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DIPLOMATIC FUTILITY

Futility marked the early relations of the United States with Central America. Nothing went right; everything went wrong. The very agents of the Washington government seemed to move under an evil star. Physical hardships, vexations of spirit, dread diseases, and in some cases death itself attended them. Of the eleven appointees before 1849, three died *en route*; another succumbed before he started on his mission; one escaped with his life by being dismissed before he embarked; another survived by contriving to draw his salary for more than a year without going near the Central American capital; and another traveled over the length and breadth of the country, unable to find a government to receive him. Though the remaining four reached their destination and were received, only one of these prolonged his stay beyond a few months, and he committed suicide soon after his return to the United States.

Nor is this the whole story of adversity. The country to which the ill-starred agents were accredited, was itself the victim of misfortunes of the greatest magnitude. Organized in 1824 under a constitution similar to our own, the Central American federation was confronted from the beginning by obstacles which it could not surmount. No strong sentiment of nationality bound the parts together; communication was slow and difficult; the mass of the population was ignorant and indifferent; many of the upper class were frankly reactionary; and the leaders of the enterprise were themselves torn by conflicting personal interests. Civil war, secession,

foreign encroachments, political chaos, and a whole train of accompanying evils left the country hopelessly prostrate.

Misfortune on the one hand; disaster on the other. Is it possible that some fatal connection existed between the two? It is evident that the elements of salvation for the Central American republic did not lie within itself. Could external aid have saved it from destruction? The United States alone was in a position to render this friendly office; yet it failed utterly to perform its neighborly function. Was the failure a mere matter of mischance, the result of unforeseeable and inevitable misfortunes? Could it have been caused, in part at least, by a certain unawareness at Washington of the nature and magnitude of the Central American problem? In part by ignorance of the climatic, topographic, and social conditions which prevailed in the new state? In part by diplomatic awkwardness? In part by the subservience of diplomacy to party politics? Perchance by a combination of a number of such causes? Let the sombre details speak for themselves.

The first agent designated was Thomas N. Mann of North Carolina. Bred to the law and limited in outlook to the horizon of his native state, he was ignorant of the language, customs, and institutions of Spanish America, and even of the very location and extent of the country to which he was to be sent. Be it said to his credit, however, that he was eager to learn. Immediately after his appointment in April, 1824, he went to Washington and had interviews with President Monroe and Secretary of State Adams. He wanted enlightenment not only on the geographical, social, and political conditions of Central America, but on matters of high personal interest to himself: he wanted to know by what means he was to reach his destination, and how long his exile in that far country was to continue. On this last point Adams, whose duty it was to satisfy the agent's curiosity, appears to have had nothing to say. Perhaps he had a premonition that talk of returning from Central America before one arrived was a

bit premature. On the other points the secretary of state was more explicit, though in matters of detail he was himself somewhat confused.

I told him [says Adams] of the principal objects of his mission: that the first of them was to obtain and transmit information respecting the country to which he was going—a new central South American, and as it would seem, confederated republic, situated at and including the Isthmus of Panama, a position of the highest geographical importance—important also by the commercial connections, and lodgements on the soil by the British, with the neighboring Bay of Honduras and Mosquito Shore. It was furthermore interesting from the step once taken by St. Salvador, now forming a portion of the republic, to connect itself directly with the United States. It was understood that one of the deputies who came here on that occasion was now, or recently had been at the head of the new Guatemalan Government. By the public newspapers it appears that they had appointed a public Agent or Minister to come to the United States. The republic bordered on those of Mexico, Colombia, and Peru; but our information concerning it was scanty, and we expected to receive much from his Agency.¹

Adams's information was obviously scanty. It did not greatly matter, however, that the new republic did not extend to South America nor include the Isthmus of Panama; for, reduced to its proper limits, it occupied nevertheless a position of the highest geographical importance. It did not matter that the British at the moment had no lodgement on its soil; for they did have an establishment at Belize which served as a base for commercial connections, and as a point of departure for later territorial encroachments, including a reassertion of old claims on the Mosquito Shore. It did matter that Adams hit upon two of the essential elements—geographical importance and lodgements of the British—of what in years to come was to be known as the Central American question. His mention of the proposed annexation was intended to convey some notion of the friendly reliance of the weak on the

¹ J. Q. Adams, *Memoirs*, VI. 325-326.

neighborly protection of the strong. This amicable relationship was to form the basis of a third element of the question; that is, championship, by the United States, of the Central American cause.

Unfortunately, Adams did not clearly apprehend the significance of a unified and stable republic of Central America as a factor in the contest which he vaguely foreshadowed. Neither in his conversation with Mann nor in his formal instructions,² which were but an elaboration of the main points of the interview, did he propose any steps to aid the leaders then engaged in framing what to them was a strange form of government. This was the time to render assistance; but the golden opportunity was allowed to pass. When the real meaning of the federation was finally perceived, the good offices of the government at Washington were powerless to prevent dissolution or to effect restoration. Internal chaos and foreign aggression was the result.

How to reach Guatemala was a perplexing question. The prospective traveler could not avail himself of any regular sailings to the Central American coast, for there were none. He could occasionally obtain passage to the Isthmus of Panama, but his progress from there northward on the Pacific was extremely uncertain. He had even less opportunity in these days to go by the Nicaragua route, for vessels seldom touched at San Juan del Norte. Of the other more or less direct ways, the only one open to him was the trail which led inland from Izabal, farther up the coast, on the Golfo Dulce. But to get to Izabal was a problem. If he had the good fortune to be taken aboard by a ship going in that direction, perhaps after a round-about course, he had to disembark at Omoa on the coast of Honduras or at the British port of Belize, to continue his voyage on a chance vessel of light draft capable of navigating the shallow waters of the gulf. Delays at every point, exposure to the diseases prevalent on tropical shores,

² Department of State "Dispatches to Consuls," II. 315.

and the discomforts of the land journey from Izabal onward, rendered his undertaking arduous and perilous to the highest degree.

Mann knew little of these matters, and in his ignorance he applied to the department of state for assistance. But to Adams the subjēct was annoying. It irked him to attend to such details. "These private economies of our public Ministers and Agents," he confided to his diary, "are among the most disagreeable appendages of my public duties."³ Yet the harassed secretary went through with the unpleasant task, and while Mann returned to North Carolina to attend to private business and prepare his "baggage and library" for shipment, Adams succeeded in arranging the desired passage on the United States ship of war *Hornet*, soon to depart on a cruise in southern waters. Two months later Mann embarked at Norfolk, and the *Hornet* turned its prow, not toward Omoa or Belize, but toward La Guaira, Venezuela. Other interests took precedence, and as the vessel cruised Mann fell sick and died on board.⁴ His mission ended before it had well begun.

William Miller, also of North Carolina, and a former governor of that state, was designated in March 1825, as Mann's successor. He was commissioned as chargé d'affaires, recognition having been accorded the Central American federation in August of the preceding year. His instructions were ready in April, exactly a year after the date of Mann's appointment.⁵ Two months later Miller was in Washington seeking aid of the department of state in reaching the Central American capital. Whether the memory of Mann's fate on board a public vessel had anything to do with the matter or not, the new agent was left to make his way as best he could by such means as chance might afford. Accordingly he sallied

³ J. Q. Adams, *Memoirs*, VI. 325.

⁴ Beaufort Watts to Adams, July 22, 1824. Department of State, "Dispatches, Central America," I.

⁵ Department of State, "Instructions," X. 285.

forth and for months was lost to view. How he traveled, what difficulties he encountered, and what hardships he endured the records do not reveal. They only show that he reached Key West, and that there he fell, in September, 1825, a victim of yellow fever.⁶

John Williams of Tennessee, the next in order, was more fortunate. At the time of his appointment, in December, 1825, he was in the prime of a vigorous manhood. His career had been active and varied. At the age of twenty-one he was a captain in the United States infantry; at twenty-five he was admitted to the bar; at thirty-four he raised a regiment of mounted volunteers, and by conducting a successful campaign against the Seminoles won a commission as colonel in the regular army. After serving throughout the War of 1812, he was elected United States senator from Tennessee, and in this capacity remained at Washington until 1823. He was one of General Jackson's bitterest adversaries, which explains at once his descent from the senate and his elevation to a diplomatic post. If he had been less valiant he might have quailed before the mission to Central America. But his courage was a matter of record: he had faced death on the battlefield, and for good measure he had defied Andrew Jackson. It was no wonder that such a man should be the first to reach Guatemala and return alive.

In March, 1826, three months after his appointment, Williams was at Norfolk awaiting passage on the sloop of war *John Adams*. In April he was at Havana, and in May he reached Guatemala. But this was six months after his appointment, and a full two years after the first agent's appointment. Precious time had been lost. We learn from Williams's communications that the federation was already in a process of dissolution; that the federal and state governments were in constant collision; that the house of deputies, recently in session, had adjourned without passing the appropriation

⁶ Frederick C. Baker to Clay, September 10, 1825, Department of State, "Dispatches, Central America," I.

bill; that a forced loan was being talked of; that seizure of church property was contemplated; that a territorial dispute with Mexico threatened war; and that the British were extending their trespasses. Williams warned the Central American officials that their country was on the brink of an awful gulf, and he recommended as a possible means of salvation the adoption of the writ of habeas corpus, trial by jury, and Livingston's Louisiana code. He urged also the founding of a national bank with a metallic basis, and on request drew up a charter for such a bank. These were, after all, mere devices, and Williams had little hope of seeing the republic saved from destruction. "They have no master workmen among them," he said, "& the whole machinery is badly contrived." Under conditions so disheartening, he made his stay short. In December, six months after his arrival, he turned the affairs of the legation over to the acting consul, and set out on the return journey to the United States.⁷

William B. Rochester of New York was commissioned in March, 1827, to succeed Williams. He it was who managed to reap the fruits of office without rendering any useful service. He was an adept in this art. For nearly a year he had been the recipient of a salary as secretary of the mission to Panama without budging from his native state, and at the time of his appointment to the Central American post, he was in Mexico to attend a second meeting of the congress, which never materialized. Under his instructions for the new post, which he received in May, 1827, he had two courses open before him: he could go promptly to Guatemala and assume the duties of his office; or, if his private affairs demanded, he could first visit the United States, and then proceed to his destination.⁸

Rochester had, it must be admitted, an intellectual perception of the nobler course. He had been told by agents of

⁷ Williams to Clay, March 10, 1826, April 10, 1826, May 6, 1826, August 3, 1826, November 24, 1826, December 1, 1826, January 6, 1827. Department of State, "Dispatches, Central America," I.

⁸ Department of State, "Instructions," XI. 258.

the Central American republic in Mexico, so he wrote the secretary of state, that the situation was urgent; that the departure of Colonel Williams had been viewed with great regret; that the government and people were most friendly toward us; and that it was their sincere desire to cultivate and maintain a good understanding with our country.⁹ His fervent account leaves us almost convinced that his emotions were touched, and that his sense of duty was aroused. He informed the secretary of state that it was his intention to go to his post at once; and he made his way promptly down to Vera Cruz, to proceed by way of the Bay of Honduras for Guatemala. But the flesh was weak. He embarked instead for New Orleans,¹⁰ and once there he was loath to quit again his native soil.

The movements of Rochester during the next year were amazingly dilatory. From New Orleans, where he arrived early in June, 1827, he wrote that having failed to obtain an early passage to the coast of Central America, he had resolved to send his baggage to New York, from which city he would sail after paying a visit to his family. In July, he was at the ancestral home in Rochester; in September, he spent some days in New York, where he professed to be making preparations for his departure; in October, he was back at Rochester; in November, he missed sailing from New York on the *John Adams*; in December, he promised to "use due diligence in getting to Norfolk by means of steamboats & stages" to meet the sloop of war *Falmouth*, in which he now proposed to sail; in January, he was in Washington where the president could observe his snail-like pace; in February, his perseverance brought him to Norfolk; and in March he at last embarked. After a long and restful cruise on the *Falmouth*, he went ashore, in May, at Omoa. Here he faltered still. Instead of hurrying away to the Central American capital, three hun-

⁹ Rochester to Clay, May 12, 1827, Department of State, "Dispatches, Central America," I.

¹⁰ Rochester to Clay, June 3, 1827. *Ibid.*

dred miles away, he embraced the first opportunity to take passage for the United States. In June, he was back, and in October, his diplomatic career was closed with commendations from the secretary of state.¹¹

This strange affair becomes stranger still on examination. Rochester owed both his appointments to family connections with Secretary of State Clay.¹² In itself this is not remarkable. Public servants have often been selected on such grounds, and thus selected have frequently failed to render any corresponding service. But the acquiescence of the austere and correct president in proceedings so sterile and so oblique is beyond belief. Adams knew that Rochester while nominally secretary of the mission to Panama was busily engaged in efforts to promote the political interests of Henry Clay in the state of New York; he knew that to permit Rochester, after a brief and fruitless residence in Mexico, to travel over half a continent before assuming duties that lay close at hand, was a waste of public funds and a damage to the public interest; he knew that Rochester's delay in New York during the summer and fall of 1827 was still in the interest of party politics; and finally, he knew that Rochester set out in the spring of 1828 with no intention of establishing a residence in Central America.

The following excerpts from Adams's *Memoirs* bear witness to these facts, though they do not remove our wonder that he could have been a party to conduct so reprehensible.

January 8, 1828. Mr. Barnard, a member of the House of Representatives from New York, came with Mr. Rochester, the Chargé d'Affaires to the Central Republic of Guatemala, who is going with lingering step to Norfolk, to embark for the port of his destination. This gentleman was at the last election of Governor of New York a candidate for that office against DeWitt Clinton, and has an earnest craving to be a candidate again. . . . But upon the vulgar adage, "a

¹¹ Clay to Rochester, October 7, 1828, acknowledges the divers letters on which the above account is based.

¹² Martin Van Buren, *Autobiography*, 162.

bird in the hand is worth two in the bush," he goes to Guatemala, looking back to New York—like Reynolds's picture of Garrick, between Tragedy and Comedy."¹³

March 19, 1828. Mr. Brent came from Mr. Clay, and mentioned that Mr. Rochester, the *Chargé d'Affaires* to the Central republic of Guatemala, was still at Norfolk, waiting for his passage. By the accounts recently received from that country, a desperate civil war is raging among them; and Mr. Clay proposed giving an instruction to Mr. Rochester, if he should find upon his arrival at Omoa that no useful purpose would probably be attained by his proceeding to his destination, to return immediately to the United States.

I assented to this, but desired Mr. Brent to present to the consideration of Mr. Clay the expediency of suspending for the present the mission to Guatemala and directing Mr. Rochester not to proceed on the voyage. . . . Mr. Clay was here. . . . He spoke of Mr. Rochester, and thought it would be most expedient to instruct him to proceed to Guatemala, the letters from the Consul at Omoa, Phillips, expressing much solicitude for his arrival, in the hope that his presence might afford protection to the persons and property of our citizens there. Mr. Rochester has been so long at home, waiting for a passage, that Mr. Clay thought it would be more satisfactory to him, and also to the public mind, that he should go to the place of his destination, rather than that his mission should now be abruptly terminated. But he agreed that it would be advisable shortly to abolish the mission to the central republic; and rather because he had this day received a letter from Mr. Gonzales, their *Chargé d'Affaires* in this country, now at New York, announcing that in consequence of the disastrous state of his own country he found himself compelled to embark for home. . . .¹⁴

June 23, 1828. Mr. Brent sent me several dispatches, received since Mr. Clay's departure yesterday morning—among them letters from William B. Rochester, *Chargé d'Affaires* to Guatemala, who has returned and landed at Savannah. The republic of Central America is in a state of Civil War, and the Government is virtually dissolved. . . .¹⁵

¹³ VII. 399.

¹⁴ VII. 477.

¹⁵ VIII. 42.

July 7, 1828. Mr. Southard brought me a bundle of letters and enclosures from Master-Commandant Charles W. Morgan, commander of the sloop-of-war *Falmouth*, just arrived at Pensacola, from a cruise in the Gulf of Mexico and the Caribbean Sea. This vessel was sent to take W. B. Rochester . . . and John Mason, Jun., the Secretary of Legation to Mexico, to the countries of their respective destinations. He landed Rochester at Omoa, but, instead of proceeding to his post, he posted off to the British settlement in the Bay of Honduras, and thence back to the United States, where he arrived some time sooner than the *Falmouth*, which carried him out. Morgan, in a private letter to Mr. Southard, intimates that Mr. Rochester was quizzed into very unnecessary panic by a British Agent at Omoa, and describes his agitation and movements in a manner somewhat ludicrous. Rochester's masterpiece of diplomacy seems to have been in changing his ships, and coming back in a different vessel from that in which he went out.¹⁶

The office of *chargé d'affaires* to Central America was now left vacant for a while. The Adams administration ran its course and two years of the reign of Andrew Jackson passed before a successor to Rochester was appointed. In the meanwhile Clay yielded the office of secretary of state to Martin Van Buren and Van Buren to Edward Livingston. It was Livingston who was responsible for the restoration. His long residence at New Orleans where his gaze was constantly directed toward the south (his knowledge of the language, customs, and institutions of Spanish America, his preparation of a universally praised code of laws thought to be peculiarly adapted to the needs of the new republics, his exceptional opportunities for observation, and his habit of intelligent reflection on the phenomena presented to his view, gave him a profound understanding of Central American problems, and a sure grasp of the importance of the region to the world in general and to the United States in particular.

The reasons assigned by the preceding administration for discontinuing all efforts to maintain contact with the crum-

¹⁶ VIII. 52.

bling republic did not appeal to Livingston. He set his hand with zest to the preparation of fresh instructions in which he substituted for the earlier vague generalities clear-cut and specific injunctions. He gave "geographic importance" a concrete meaning. He made it signify a transisthmian ship canal—a stream of interoceanic commerce—and an awakened Central America with free ports, good roads, and a growing trade, from all of which the United States, because of its proximity to the scene and because of the enterprise, the wealth, and the proficiency of its citizens, would derive great advantages. And in closing his instructions he touched with feeling upon the peculiar regard which Central America merited as a neighbor and sister republic.¹⁷

But neither time nor Livingston's fresh enthusiasm brought better luck. The new agent, William N. Jeffers of New Jersey, appointed in June, 1831, set forth, but got no farther than Pensacola. There he was overtaken by ominous communications. Accusations against him had been lodged at the department of state, and when, after some months of interchange of correspondence, the matter came to a head, Jeffers resigned¹⁸ his commission to disguise virtual dismissal.

A worse fortune befell his successor, James Shannon of Kentucky. He accepted the appointment and set out on the hazardous journey with a hopefulness which passes all understanding. Accompanied by his wife, his son Charles, and his niece, Miss Shelby, he embarked in June, 1832, at Pensacola on the sloop of war *Vincennes*. After a short and uneventful voyage, he landed at Omoa, where he expected to take passage for Izabal. Disappointed in his expectation, he availed himself of an opportunity to pass with his retinue across to Belize, whence the superintendent, Colonel Cockburn, sent the party forward—unwittingly to a tragic dénouement. At Izabal

¹⁷ Livingston to Jeffers, July 30, 1831, Department of State, "Instructions", XIV. 209-217.

¹⁸ November 19, 1831.

James Shannon and Miss Shelby were stricken with yellow fever, and within a few days both were dead. The survivors laid the bodies to rest in the damp soil, and, burdened with sorrow, returned by way of Belize and New Orleans to their home in Kentucky.¹⁹

No perfectly normal person would now accept the post. Charles G. DeWitt of New York State, who did accept it, was undoubtedly a bit queer. It required six months of search to find him and agree upon his appointment, and nearly twice as many months of prodding to get him past Shannon's grave and on to Guatemala. The story would be amusing if it were not so pathetic. DeWitt was appointed in January, 1833, and being "extremely anxious to depart", went to New York City for that purpose. In April he wrote that he was still detained for the "want of an opportunity to proceed". It is not unlikely that something else besides the want of opportunity detained him. Perhaps the dismal history of the previous attempts to reach the fatal city had come to his ears. He was not so mad as to walk deliberately into the jaws of death. Shannon's grave at Izabal was a warning symbol. Was it not possible to avoid the perils of this route? Assured by persons well acquainted with the country and the climate that the "safest, surest and most prudent course" was around Cape Horn, he engaged passage on the ship *Leonidas* bound for "Valparaiso, Lima and Central America".²⁰ Would not the president and secretary of state lend their approval?

DeWitt doubtless had not sufficiently pondered the effect his longest-way-round plan would have on the stern soldier who sat in the White House. Old Hickory's methods were direct. Dangers did not deter him. Safety and prudence were not in his vocabulary. Exactly what he said about De-

¹⁹ Henry Savage to Livingston, July 23, 1832, Department of State, "Dispatches from Consuls," *Guatemala*, I. See also Charles Shannon to Livingston, August 22, 1832, "Dispatches, Central America", I.

²⁰ DeWitt to Livingston, April 15, 1833, Department of State, "Dispatches, Central America", I.

Witt's proposal we do not know. Perhaps it would not be fit to print if we knew. The record we have is the softened paraphrase in a letter of Livingston's.

He [the President] directs me to inform you that he very much regrets that the circumstance of your lameness [for DeWitt was lame] will make it inconvenient for you to go to your destination by the usual route; but that he cannot by any means approve the project of making the voyage to the South Seas, round Cape Horn, in order to get to Central America, a place almost at our doors.—You could not in framing the plan, have attended to the distance, and to other circumstances that would render it entirely inconvenient to you, and impossible to be sanctioned with propriety, by the government—You would have first, 170 Degrees of latitude to sail in a southern and a northern direction, and 70 or 80 of longitude in the different courses you will be obliged to pursue in order to arrive at a place to which you would arrive in the direct course, by going less than 30 degrees—Add to this, that when you arrive at Valparaiso you will be twice as far from your destination as you are now, and with infinitely fewer opportunities of reaching it.²¹

This rebuke had a slight galvanic effect, and DeWitt engaged passage on a vessel soon to sail. But, detained by illness, he did not embark. In July, he wrote,

You shall hear from me as soon as my health is reestablished. In the meantime, in the name of humanity, do not hurry me off before I am fit to go.

In August, he gave details of his illness.

From the 2nd of May till the middle of June, I lay on my back, a mere lump of clay—a plague to myself, and I presume a greater plague to others.

Fortunately “by the blessings of God and the skill, care and attention” of his physician he survived. All of which left the obdurate president untouched. In September, another

²¹ Livingston to DeWitt, April 20, 1833. Department of State, “Instructions”, XIV. 315.

reprimand, more scathing than the last, was administered. The poor ailing man was reminded that the appointment, made long months ago, had been "dictated by the necessity of speedily renewing our intercourse with Central America", and he was given to understand that the sincerity of his desire to achieve that object was a matter of doubt in the mind of the president. This was effective. In October, the laggard agent, brow-beaten and abashed, set sail in a merchant vessel for Kingston, Jamaica, where he arrived after nineteen days of sufferings which he would not "undertake to describe". In November, a British packet took him to Belize, and in December he rode into the city of Guatemala.²²

Some incidents of his journey are worthy of remark. At Belize he met with a cordial reception from "His Excellency, Francis Cockburn, the Governor", who not only sheltered the forlorn traveler but offered a vessel and crew for the voyage to Izabal. "The impression which such godlike benevolence has imprinted in my mind," wrote DeWitt, "may be imagined but cannot be described." Poor fellow! He is never able to describe. He leaves so much for us to imagine. And we do imagine. Harsh words from Washington, whence kind words were due; friendliness at Belize, where animosity might have been expected. DeWitt wins our sympathy and then our admiration. He was not a robust, gallant, intrepid, individual. He was on the contrary delicate of health, lame, shrinking, timid. He dreaded the hardships and dangers along the way. Yet, under pressure, he met them with fortitude. At Izabal he paid a visit to the last resting place of his lamented predecessor, Shannon, and, depressed by the wild appearance of the spot, procured a young orange tree and planted it at the head of the grave. This sacred duty performed he proceeded through tropical jungles and over difficult mountain trails to his destination. Every foot of the way was painful. Not

²² DeWitt to Livingston, April 15, 1833, April 30, 1833; DeWitt to McLane, July 2, 1833, August 26, 1833, September 9, 1833, October 20, 1833, November 21, 1833, December 16, 1833.

only that, says DeWitt: "I was three times thrown from the mules—once at the hazard of my life."

Five long years DeWitt continued at his post. He did not run true to form and hasten back. Singularity, quirk, twist, aberration—something—marked him off from the common herd. It may have been nothing more than a desire of escape, of self effacement. It may have been inertia. It may have been a sense of duty. Or it may have been dread—dread of pain, dread of sickness, dread of death on land or sea. We cannot be sure, for DeWitt was strange. For a while his behavior seemed normal. He wrote regularly, giving the state department such information as he was able to gather. But he seemed not to be fully aware of his environment. He spoke too much of tranquility when there was none. His Central American view was limited by the mountains that surrounded Guatemala City. He did not sally forth. He was lame, and he shrank from the hazards of the road. He vegetated. After four years he wrote and meekly asked for leave to spend a few months in the United States. He was told in substance to come home and resign. This hurt. He had to explain that his object was serious, that he wanted "to visit a sick wife confined for months to her bed". Then Washington relented and granted him leave, which he would not for some time take advantage of. "The roads leading from the capital," he declared,

have for the last six weeks been so infested by armed bands of highwaymen, that no prudent traveller, and least of all a foreigner, will venture to set out for any distant point.

And prudence kept him on more than a year longer.²³

In DeWitt's absence changes had taken place at Washington. The old martinet who hated prudence had returned to Tennessee to spend his declining days at the Hermitage. Van

²³ DeWitt to Forsyth, November 7, 1835, December 18, 1835, March 29, 1836, October 14, 1836, January 26, 1837, and numerous other letters in "Dispatches, Central America", II.

Buren was in his place. Livingston had long since yielded his office to Louis McLane, and McLane had been succeeded by John Forsyth. But DeWitt reaped no profit from these changes. Scolding him had become a habit and he was welcomed with words of reprobation. He had been told not to leave his post until he had negotiated a renewal of the treaty which had been concluded with Central America in 1825 and which was now about to expire by its own limitations. He had violated his instructions. He had come home without the treaty. Disobedience so flagrant must be punished, and he was ordered to face again the perils of the road to Guatemala. He was to acknowledge his failure and do penance by going back to take proper leave of the Central American government and to bring the mission to a formal close.²⁴ He could not make the state department understand that his failure was excusable; that he had done all anyone could do in the circumstances; that he had secured signatures to the renewal but could not get the document ratified, simply because the congress, the ratifying body, had ceased to function; that to incur all the risks involved in the return trip for the purpose of taking leave of a phantom government would be worse than useless. How disheartening! Forever driven, forever harassed, he had never received a word of kindness, of appreciation, or of commendation from his superiors. The world was cold, full of troubles and hazards and pain. And poor DeWitt chose to leave it by his own hand.²⁵

Four of the seven appointees thus far designated had been claimed by death. Still another, William Leggett, a native of New York City and sometime editor of the famous *Evening Post*, was to make the supreme sacrifice. He was appointed to do what DeWitt had rebelled against doing; that is, he was to go to Guatemala to close the luckless mission. Unfortunately he was already seriously ill, and his appointment ap-

²⁴ Forsyth to DeWitt, April 14, 1839.

²⁵ Jno. J. Bedient to Forsyth, April 16, 1839. Department of State, "Miscellaneous Letters".

pears to have hurried him on to his grave. Before the ink was fairly dry on his commission his earthly career came to an end. Whereupon, the government, nothing daunted, selected a new agent in the person of John L. Stephens. Though born in New Jersey, Stephens, like Rochester, DeWitt, and Leggett, was appointed from New York. But he was not like his confrères in any other respect. He was not a shirker to evade the task laid out before him; he was not an hypochondriac to nurse his ills; nor was he an invalid on the verge of the grave. He was indeed better equipped than any of his predecessors had been to undertake the mission. He was a man of superior intelligence; he had initiative; he knew men and affairs; and he was experienced in travel. Moreover, he was proficient in antiquarian studies, and this, together with his desire to explore the little known vestiges of the ancient civilizations of Central America, caused him to enter upon the enterprise with singular enthusiasm. Alas! he was to deal with ruins only; for the federation of Central America, like the Mayan régimes before it, had ceased to exist.

Within these limitations Stephens succeeded where others failed. That is, he reached Guatemala City, performed the last sad rites over the defunct mission, traveled widely over the country, made hasty but important archaeological investigations, and returned to the United States without succumbing to disease. Accompanied by an English artist, Frederick Catherwood, he sailed from New York in October, 1839, on a British vessel bound direct for Belize, and, meeting with no delays, landed there within the month. The new superintendent of the settlement, Colonel McDonald, received him with cordiality, and thus heaped up the debt of our gratitude to Belize. Nowhere else in this region were the British so amiably disposed toward the Americans. At Guatemala, indeed, the British consul general, Chatfield, sowed seeds of dislike toward us, and these seeds in the course of time germinated and grew and produced bitter fruit. Belize was a place of hospitality. The Shannons had been the recipients of its

benefits, and Mrs. Shannon and her son who returned to it after the tragedy at Izabal, had cause to remember it with melancholy gratitude. DeWitt found its benevolence impossible to describe. Happily, Stephens suffered from no such disability. His account of the farewell dinner with which he and Catherwood were honored leaves us with a vivid sense of the reality of the settlement as a friendly haven for the American pilgrims who passed that way.

The large window of the dining room opened upon the harbour [says Stephens] ; the steamboat lay in front of the Government House, and the black smoke, rising in columns from her pipe, gave notice that it was time to embark. Before rising Colonel McDonald, like a loyal subject, proposed the health of the Queen ; after which he ordered the glasses to be filled to the brim, and, standing up, he gave, "The health of Mr. Van Buren, President of the United States," accompanying it with a warm and generous sentiment, and the earnest hope of strong and perpetual friendship between England and America. I felt at the moment, "Cursed be the hand that attempts to break it ;" and albeit unused to taking the President and the people upon my shoulders, I answered as well as I could. Another toast followed to the health and successful journey of Mr. Catherwood and myself, and we rose from the table. The government dory lay at the foot of the lawn. Colonel McDonald put his arm through mine, and, walking away, told me that I was going into a distracted country ; that Mr. Savage, the American consul at Guatemala, had, on a previous occasion, protected the property and lives of British subjects ; and, if danger threatened me, I must assemble the Europeans, hang out my flag, and send word to him. I knew that these were not mere words of courtesy, and, in the state of the country to which I was going, felt the value of such a friend at hand.²⁶

Fortunately, Stephens had no occasion either to hang out his flag or to call for help ; but he ran many risks and suffered hardships enough. At Izabal he saw the English engineer of the little steamer that had brought them into the Golfo Dulce, a man of Herculean frame, fall ill and lie helpless as a child.

²⁶ John L. Stephens, *Incidents of Travel in Central America, Chiapas and Yucatan*, I. 22.

He remembered that he had been told that Izabal was a sickly place, and that it was running the gauntlet for life even to pass through it. He remembered, too, what he had strangely forgotten, that Shannon lay buried there; and he, like DeWitt, sought out the burial place, finding it on "a rising ground, open to the right, stretching away to the Golfo Dulce, and in front bounded by a gloomy forest". He also was depressed by the desolate spot, and ordered a fence to be built around the unmarked grave.²⁷ Moreover, his friend "the padre promised to plant at its head a cocoa-nut tree". Cocoanuts and oranges! Whether DeWitt's young orange tree or the padre's cocoanut tree ever grew to drop their fruit in respectful homage on Shannon's grave, we do not know. Later passers-by tell us nothing. Rank tropical vegetation no doubt promptly claimed the lonely place and hid it forever from human view.

Stephens ran the gauntlet of fever at Izabal to encounter other hazards on the road. He and his party, mounted on mules and heavily armed, set out in the wake of a caravan of pack animals on the way to Guatemala. Passing a marshy plain, they soon entered an unbroken forest where the mules sank deep in puddles and mudholes. As they advanced the shade of the trees became thicker, the holes larger and deeper, and roots, rising two or three feet above the ground, crossed the path in every direction. At the foot of the Mico Mountains, over which they had to pass to enter the valley of the Motagua, the ascent began precipitously through a narrow gully, worn by the tracks of mules and the washing of mountain torrents. Beyond this defile they encountered still deeper mudholes and larger roots with the additional difficulty of a steep ascent. The woods were of impenetrable thickness, the rain poured, and there was no view except that of the detestable path before them. Stephens reflected that perhaps their inglorious epitaph might be, "tossed over the head of a mule, brained by the trunk of a mahogany tree, and buried in the

²⁷ *Ibid.*, p. 39.

mud of the Mico Mountain''. Indeed all were tossed—Catherwood with such violence that Stephens, who witnessed his fall, was horrorstruck. The servant's mule fell backward, and then followed such a rolling and kicking on the part of man and beast that it seemed quite marvelous that nothing more serious resulted than a thorough plaster of mud for both. Stephens himself, when his turn came, by straining every nerve flung himself clear of roots and trees and barely missed impalement on his dagger, which had fallen from its sheath and stood with its foot of naked blade upright in the mud.²⁸ Enough for one day—the first day—and enough to convince us that DeWitt could not have been guilty of exaggeration when he averred that he had been thrown three times on the whole journey. Indeed, in all the circumstances we are inclined to think that his "once at the hazard of my life" must have been a modest understatement of the facts in the case.

We cannot follow Stephens through all his adventures in Central America, for they were many and varied. At every turn he was exposed to perils. Not the least serious among them were those of which he had heard at Belize—the perils growing out of the distracted state of the country. On the way up to Guatemala, in spite of his official character, he was put under arrest and threatened with death by the ignorant and ruffianly alcalde of a wayside village; and at various points along the route he was saved from the violence of bandits by his own calm judgment and unflinching courage. Arriving at the capital he found the whole city in a state of awe. The term of the federal officers had expired some months before and no elections had been held to supply their places. Salvador and Quetzaltenango alone clung doubtfully to the federal idea, and Morazán, the champion of that cause, had abandoned the capital and now held momentary sway in Honduras. Carrera, an Indian, supported openly by a ragged and fanatical mob and covertly by the reactionary elements of the upper class, was master of Guatemala. The atmos-

²⁸ *Ibid.*, pp. 41-44.

phere was charged with hostility for foreigners. It had been some months before that the United States consul, Charles Savage, performed the act which won the admiration and gratitude of Colonel McDonald. On the occasion of an assault on the house of a British subject, one of the leading merchants of the place, Savage, as Stephens heard and related the incident

rushed down the street under a shower of bullets, knocking up bayonets and machetes, drove the mob back from the door, and, branding them as robbers and murderers, with his white hair streaming in the wind, poured out such a torrent of indignation and contempt, that the Indians, amazed at his audacity, desisted.

As yet there had been little change for the better. Only a few days before Stephens's arrival the British vice consul had been insulted and his flag fired upon.²⁹ These acts seemed to be the expression of enmity not merely toward the British, but toward all foreigners. It was a dangerous state of affairs, yet the American representative passed through it all without suffering bodily harm.

Immediately after his arrival he took possession of De-Witt's house. On first viewing it he had been favorably impressed by its external appearance, and on entering he was charmed with its exterior. It was one of the finer residences of the city. Other houses of the capital were larger, "but mine", said Stephens, "combined more beauty and comfort than any habitation I ever saw". Yet ensconced in an official residence he had no official duties to perform. His credentials were addressed to a non-existent government, and unless Morazán, who still pursued the forlorn hope, should meet with success, it would become necessary to secure the archives, dispose of such property as could not be conveniently shipped to the United States, and close the legation. But Stephens did not sit in vain impatience awaiting developments. Central America lay before him with a thousand enticements, and he re-

²⁹ *Ibid.*, p. 191, *et passim*.

sponded to its allurements. He traveled and observed, beginning with little journeys from Guatemala City as a base, and then extending his excursions to more distant parts of the country. From the Pacific coast of Guatemala, where he burned with fever and shook with ague, he embarked for Costa Rica, and on the voyage he lay in a hammock recuperating, and amusing himself by reading *Gil Blas* and *Don Quixote*. He traveled to the Costa Rican capital; ascended the volcano of Cartago, from which point he could view both the Atlantic and the Pacific; returned to the coast and journeyed northward on mule back; studied the Nicaragua Canal route in passing; visited old cities; climbed threatening volcanoes; rode through the whole length of Salvador; and, on his way to Guatemala met Morazán in utter rout before the fierce warriors of the Indian Carrera.

Convinced of the hopelessness of the federal cause, he put aside all idea of acting in an official capacity and devoted himself to archaeological investigations. He had already turned aside on his way up from Izabal to make a reconnaissance of Copán; and, during his absence in the south, Catherwood had descended the Motagua and examined the ruins of Quirigua. The two of them now set out along the great Guatemalan plateau, and entering the Mexican province of Chiapas, paused at Palenque to explore the highly interesting ruins in the neighborhood. Continuing their journey to the Gulf of Mexico, they went by water to the northern coast of Yucatán, and made a preliminary survey of a number of ruined cities there. They then set sail for New York. Rich in experience and laden with notes and drawings, the travelers returned to their starting point. They had been gone a little less than ten months, and within an even smaller space of time Stephens issued from the press, in two volumes, a fascinating account of their travels. Stephens's narrative, with its easy-flowing style, its vivid descriptions, and penetrating observations, together with Catherwood's excellent drawings portraying the little known monuments of a vanished civilization, gave

the work an instant success. Edition after edition was called for, and thus the public as well as the department of state, acquired welcome, though belated, information about Central America.

What became of Stephens? The answer is that Central America enchanted him, and though it spared him for a time, at last it lured him to his death. As soon as his book was published he returned to Yucatan, accompanied as before by Catherwood, to carry forward his archaeological investigations. The fruit of the new expedition was another work³⁰ no less felicitous than the first. After this he was elected a member of the New York State constitutional convention, and at about the same time he joined others in organizing the first American transatlantic steamship company. Then he became interested in the Panama Railroad Company and was successively its vice-president and president. This enterprise kept him for some time on the Isthmus, where his health, already undermined by his previous travels in Central America and Yucatan, at last gave way, and he passed to his reward at the untimely age of forty-seven.

The fragile and often broken thread must be taken up again. When Stephens disposed of DeWitt's paraphernalia and quit the Central American capital to wander among older and more interesting ruins, the break seemed to be final. But we never know what Washington will do. With William Henry Harrison in the White House and Daniel Webster at the state department it changed its mind. It heard rumors of a revival of the Central American federation, and, yearning for authentic information, designated William S. Murphy of Ohio as a "Special Confidential Agent" to go out and obtain it. Murphy's movements were relatively expeditious, and his sufferings, though great, were not beyond his power of description. Appointed in July, 1841, he reached Guatemala before the end of the year, "very sick of a fever taken on the road". Some weeks later he wrote: "I dislike apologies . . .

³⁰ *Incidents of Travel in Yucatán*, 2 vol., 1843.

but the chills and fever with which I have been afflicted . . . have greatly retarded my labors". These remarks were at the end of a thirty-five page legal cap letter.³¹ And he wrote other long reports. How much "authentic information" he might have provided if he had been at his best, is a subject upon which it would be futile to speculate.

Of one thing we may be certain: he could not have found any indication of a reviving federation, for there was none to find. On the contrary every sign pointed in the opposite direction. In the lucid intervals between his attacks of malaria, Murphy could see that. He could see too, that the reactionary elements in control were falling more and more under British influence, and that a corresponding sentiment of hostility toward the United States was being developed. He learned of the advantage the British were taking of the situation to make encroachments on the northern coasts of Honduras and Nicaragua, and of the tendency of those countries to look to the United States for protection against British aggression. In short, he saw and traced for the department of state the main outlines of the Central American question, now for the first time beginning to take definite form. Having done this—three months were required for the task—he escaped to the United States. But tropical disease apparently got him at last. He died during an epidemic of yellow fever in Galveston, a year or two later, while on a diplomatic mission to the Republic of Texas.³²

Six years passed before the United States called upon another of its sons to travel the dangerous road. Loath to admit the failure of the general government of Central America, the authorities at Washington were equally reluctant to recognize the existence of independent states within the territory once embraced in the single federation. Moreover, the

³¹ The instructions to Murphy are found in Department of State, "American States, Instructions," XV., and the letters from him in "Dispatches, Central America", II.

³² Kennedy to Aberdeen, July 29, 1844, Great Britain, Foreign Office, "British Diplomatic Correspondence Concerning the Republic of Texas", pp. 350-352.

energies of the northern republic, particularly in the Polk administration, were directed toward the acquisition of territory and the fixing of boundaries in the west. There were difficulties enough in that direction without rushing into new ones in the south. The British were free therefore to strengthen their hold on Guatemala, to ingratiate themselves with Costa Rica, and to seize such positions between these two states as were deemed essential for the control of interoceanic communication. As soon as the successful termination of the Mexican War seemed assured, however, the attention of the United States was turned once more toward the isthmian region. In March, 1848, Elijah Hise of Kentucky was commissioned as chargé d'affaires to Guatemala and empowered to conclude a treaty with Salvador. To this extent only was the dissolution of the federation acknowledged, no decision being made as to the status of the other countries formerly members of the union. Washington still hoped for the restoration of the federation, and if Hise found sentiment favorable he was to help bring it about.³³ He was not, however, to challenge the British; for the treaty with Mexico not having been concluded, it was deemed unwise for the moment to bring the Central American question to an issue.

Hise chose the Panama route. The records do not show what considerations entered into his choice. It could hardly have escaped his notice that two good Kentuckians already lay mouldering in the ground at Izabal; and as he was to be accompanied by his wife, and a nephew—Kentuckians all—he may have been moved by the patriotic desire of conserving the noble strain to which he and they belonged. Unfortunately, he was not possessed of the pathfinding instincts of his forbears, and in his efforts to avoid a perilous road on the one hand he ran into a worse one on the other. On the voyage southward, early in the summer following his appointment, his ship was wrecked on one of the small islands of the Ba-

³³ Buchanan to Hise, June 3, 1848. These instructions have been published in Buchanan's *Works*, VIII. 81.

hamas, and passengers and crew were forced to live for ten days on the barren spot in tents made of the sails of the disabled vessel. He had the good fortune, however, to find the means of continuing his voyage to the Isthmus. In three days, by the aid of canoe and the inevitable mule, he crossed with his suite to Panama; after which, he confessed, he and his family were indisposed. Weeks passed and no vessel sailed for the coast of Guatemala. In the meantime indisposition developed into serious illness, and as Hise's body suffered, his spirits sank. The Isthmus became a place of horror. Izabal could be no worse. In desperation he returned by a "dreadful and most hazardous" journey to Chagres, and sailed for Jamaica, where he expected to fall in with a vessel bound for the Bay of Honduras.

From Jamaica he wrote a doleful account of his sufferings; but he was not disposed to give up the mission. He had determined to send his wife and nephew back to the United States and then proceed by sea to the "Gulph of Dolce", from which, he declared, "I will if I live make my way by land to Guatemala." Yet he had the feeling that too much was expected of him. "If the mission is important," he complained, "the Govt. should enable me to get there or recall me." While waiting in Jamaica he was again prostrated with fever "and brought to the verge of the grave". Reduced to a mere skeleton, he "tottered on board" a vessel bound for Havana where he expected to find an opportunity to proceed on his journey; but he thought it was "due to truth and candour" to say that he almost despaired of reaching his destination alive. He expressed the hope that on account of the wretched state of his health the president would conceive it proper to recall him. Then, as if by magic and much to the credit of Havana, his health improved. He embarked for Omoa. On the way his health continued to improve and as his spirits rose correspondingly, he began to ponder on the destiny of his country. "By the by," he volunteered,

I should like to say something on the Cuba Question. A question upon which I think I am pretty well informed, but it would be out of place here; I would certainly give my support most cordially to an administration that should be in favor of—and knew how to EFFECT the ANNEXATION of Cuba to the United States.³⁴

It mattered little now that twenty days were required to sail from Omoa to the Golfo Dulce, and it mattered less that his vessel went on the rocks before it reached Izabal. The traveler was well, his wife and nephew were safe at home, and the dangers ahead seemed of little consequence. So they proved to be. After six months of wanderings and of torment our agent came happily to his destination.

He achieved little. While he peregrinated in the Caribbean the party in power at Washington went to the polls and lost. Three months after he reached Guatemala, the new administration took over the reins of government. Hise was then recalled; but as he did not for some time receive the letter communicating the fact, he remained at his post until the following summer. During his residence, which was thus extended to seven or eight months, he divided his time with perfect impartiality between the things he was authorized to do and the things he was not authorized to do. He concluded a commercial convention with Guatemala, in accordance with his instructions; and he tried to negotiate a similar convention with Salvador, also in accordance with his instructions. But this was dull work. What fascinated him was the forbidden challenge to England. He had not long been in Guatemala when he wrote the secretary of state:

It is clear to my mind that Great Britain designs to become the owner and occupant by force or stratagem of the ports on the Atlantic and Pacific coasts of Nicaragua which will be the points of termination of the canal communication between the two oceans.³⁵

³⁴ Hise to Buchanan, October 26, 1848, Department of State "Dispatches, Guatemala", I.

³⁵ December 20, 1848, State Department, "Dispatches, Guatemala", I.

Later he wrote:

English agents and influence under the experienced direction of the British Consul Genl. Fredk. Chatfield are alive and at work both in C. A. and at London to produce results most inimical to the U. S. and to embarrass and obstruct any negotiations here. I have reference to the Mosq. question.³⁶

Under conditions so provoking how could any chivalrous American refrain from throwing down the challenge to Great Britain? Hise could not. Authority or no authority he could not stand idly by and see weak nations overridden by a mighty power, and, incidentally, his own country deprived of a free crossing place to the Pacific. He entered into correspondence with the victims—inspired them, urged them to resist the wicked designs of the British nation. Nicaragua being an especial object of his solicitude, he urged its government, with warm words of encouragement, to look to the great republic of the north for protection. "I say to you," he declared,

that the United States hopes and desires that the state of Nicaragua will stand on her rights, and that she may not for a moment consent to yield to the Diplomatic arts that may be practiced or the threats of hostility which may be uttered by Great Britain a single foot of her rights of Territory & Dominion in and upon the Mosquito Coast & Country and over the River and Port of San Juan de Nicaragua.³⁷

It so happened that Nicaragua was in the mood to throw itself into protecting arms. Accordingly, it sent a commissioner to negotiate with Hise. The result was a canal convention by the terms of which the United States was obligated to guarantee the sovereignty of Nicaragua over territory which the British stood ready to defend in the name of the Mosquito king. This was the challenge. But it never became effective.

³⁶ *Ibid.*, May 25, 1849.

³⁷ Hise to Minister of Foreign Affairs of Nicaragua, January 12, 1849. Copy in Department of State, "Dispatches, Guatemala", I.

The new administration at Washington pursued a course of conciliation, not of challenge.³⁸ Hise had his trouble for nothing.

In the best of circumstances, there was little that any United States agent could do; for Central America had fallen under the dominion of Britain. Though it was almost at our doors, its approaches were guarded by the British outposts of Jamaica and Belize. Its flanks—Guatemala and Costa Rica—while American forces slept, had surrendered to British direction and control. Its Atlantic shore line, embracing the eastern terminus of the Nicaraguan Canal route, had become in effect British territory under a thin Mosquito mask. Its Bay of Fonseca, dominating the western terminus of the route, lay under the guns of British warships. Its whole extent of land and waters was under the observation of British officials. Its very existence as a single state was subject to British whim. In the achievement of all this there had been no muddling through: no aimless, wanton aggression; no dying of agents *en route*; no floundering on the road. Everything had been done effectively and in proper season. Everything had been foreseen and prearranged. Every move in the north had been met by a countervailing move in the south. The field of battle had been prepared. The British were at their posts.

Such was the Central American situation in 1849; such the result of a quarter of a century of diplomatic preparation on the part of Great Britain; such the result of a quarter of a century of diplomatic futility on the part of the United States.

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³⁸ Yet the treaty stood for a time in the background as a threat. Cf. Crampton to Palmerston, October 1, 1849, F.O. 5/501.

THE NEW PENAL CODE OF MEXICO

The provisions of the Penal Code recently promulgated by President Portes Gil for the Federal District of Mexico and the Territories of Quintana Roo and Lower California furnish another illustration of the fine idealism which has characterized the jurisprudence of Hispanic America. If the nations to the south have often been the scene of despotism, violence, and injustice, these evils have not resulted from any lack of idealistic legislation. An examination of the numerous constitutions and codes of the national period will be sufficient to convince one of this. If during the last century impartial justice has not always prevailed in criminal cases, it has rarely been due to legal defects.

This is not the place to enter into an analysis of the penal codes of these nations, for such an analysis would carry these introductory remarks beyond their appropriate limits. It appears not improper, however, to preface Dr. Mendoza's discussion of Mexico's new Penal Code (to which he himself has made an important contribution) by a summary of the penalological provisions of the constitutions now in force in Hispanic America.

The amazing multiplicity of Hispanic American constitutions and the frequency with which they have been violated have served mainly to stimulate the sense of humor and the sarcastic predispositions of even the more thoughtful people of the United States. We have usually overlooked the splendid idealism of these fundamental laws. It may be admitted that there has often been a striking contrast between the constitutional Utopias and the depressing realities of Hispanic American life. It may also be admitted that these fundamental documents have sometimes served as instruments of political vengeance or as outlets for the mental energy of more or less idle intellectuals. But these facts should not

blind us to the contents and perhaps the real significance of the documents themselves. The bills of rights of many of the constitutions of this region—to say nothing of their other provisions—contain many excellent stipulations relative to human dignity and human rights. Although in practice these provisions have as often been ignored as obeyed, the very persistence and frequency with which they have appeared are significant. They would not have been incorporated in so many constitutions if they had not strongly appealed to numerous or influential groups in these countries.

The chief characteristics of the new code of Mexico are the abolition of the death penalty and the creation of a Supreme Council of Social Defense to take the place of juries and limit the power of judges in dealing with criminal offenses. These provisions, as Dr. Mendoza points out, follow logically from the premises upon which the Code is based; namely, that crime is the fault of society as well as of the criminal and the aim of all procedure with reference to criminals is reformation and not vengeance.

What are the stipulations of the constitutions of Hispanic America with reference to these matters?

The subject of jury trial may be dismissed with a brief statement. This traditional Anglo-Saxon institution was unknown to the criminal procedure of the colonial period. Even during the national era it has never been in general use, although it has been employed intermittently in criminal suits and more frequently in cases involving offenses of the press. Comparatively few of the constitutions now in force—those of Brazil, Colombia, Paraguay, and Uruguay are among them—list jury trial among personal guaranties. The fact is that the jury really never has been accepted in an Anglo-Saxon way as the surest guaranty of justice. In Mexico itself it has never had more than a limited vogue, having been applicable merely to journalists, or in the case of serious crimes, provided the accused party has expressed a preference for a jury. When these considerations are taken into account the abolition

of jury trial in criminal offences within the area under the national jurisdiction of Mexico will not appear to be a radical innovation.

The same may be said with reference to the death penalty. The tendency to abolish this penalty or strictly to limit the range of its application appeared rather early in the national history of the Spanish-American countries. For instance, the Republic of Colombia in its constitution of 1863 not only abolished the death penalty but limited the term of punishment for crime to a ten-year maximum; and Mexico's constitution of 1857 clearly forecast the abolition of capital punishment. Eight of the Hispanic American constitutions now in force—those of Brazil, Colombia, Costa Rica, The Dominican Republic, Ecuador, Honduras, Uruguay, and Venezuela—prohibit the infliction of the death penalty.¹ Nearly all of them declare its inapplicability to political crimes, and several others fix narrow limits to the list of crimes which may be punished by the supreme penalty, treason, parricide, and assassination being those most frequently designated.

It should also be noted that most of these constitutions contain humanitarian provisions relative to the treatment of criminals and those charged with crime. Space permits only a few illustrations. The Paraguayan constitution (Art. 21) contains the following: "Prisons should be sanitary and clean and exist for the security and not the humiliation of those detained therein." That of Honduras (Art. 42) reads: "Lashing, beating with rods, and every kind of torture are absolutely prohibited." That of Guatemala (Art. 30) says, among other things: "Criminals less than fifteen years of age shall be secluded in places especially designed for that purpose." That of Uruguay (Art. 163) declares: "In no case shall prisons serve the purpose of mortification; they are solely for the purpose of the safe retention of criminals and those

¹ E. Ray Calvert, *Capital Punishment in the Twentieth Century* (New York, 1929), says that the death penalty has been abrogated by disuse in Argentina and Peru.

in process of trial as such." The constitution of Peru (Art. 27) declares, and it does little more than repeat the provisions of many of its previous fundamental laws on the subject: "Prisons are places of security and not of punishment. Every severity that may not be necessary for the custody of the prisoner is prohibited. The law shall not establish tortures, scourges, nor infamous penalties. Whoever may order to inflict such shall be punished." The recent constitution of Ecuador (1929) provides (Art. 151): "Prisons shall serve only the purpose of holding in custody those accused or convicted of crime and of effecting their social rehabilitation."

Such are the penal stipulations of the constitution of the Hispanic American nations. It is probable that they have not always served to protect their citizens from abuse and cruelty or to promote the reform of criminals; but the ideals are there, and it is in this setting that the new Code of Mexico should be examined. Perhaps its most unique feature is the provision for a Supreme Council of Social Defense to deal with the difficult problem of criminology. In theory, at least, it represents one of the most scientific approaches ever attempted. Its practical application should challenge the attention of statesmen throughout the world.

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EL NUEVO CÓDIGO PENAL DE MÉXICO¹

El 15 de diciembre de 1929 entró a regir en México un nuevo sistema penal, aplicable al Distrito Federal y a los Territorios de la Baja California y Quintana Roo, según el cual se suprime la pena de muerte para los delitos del orden común, queda abolido el jurado en su forma tradicional de juicio de ciudadanos, y se sustituye éste por consejos de expertos que dictaminen sobre las especiales condiciones en que el crimen se haya cometido, mudándose así sustancialmente la antigua arquitectura jurídica de la represión penal.

Las reformas que se mencionan están contenidas en los Códigos Penal y de Procedimientos Penales que ha expedido el Presidente Dr. Emilio Portes Gil, en uso de facultades especiales y extraordinarias que le fueron conferidas por el Congreso mexicano al Ejecutivo Federal, desde los tiempos del Presidente Calles, facultades que fenecieron en 1929, y que Portes Gil encontró en vigor al tomar posesión de la Presidencia de la República, en Diciembre de 1928.

La opinión pública en Estados Unidos y en otros países ha sido favorablemente impresionada por la reforma mexicana, siendo numerosos los comentarios elogiosos que ésta ha merecido. Al final, casi todos los comentadores de la reforma han terminado por comprender que es preciso dar atención a ella, y seguir con interés su observancia, para ver de aprovechar, en otros países, el experimento intentado en México.

NUEVA ACTITUD SOCIAL HACIA EL DELINCUENTE

Los nuevos Códigos de México adoptan, con relación al delincuente una nueva manera de considerar el problema del

¹ The author of this clearly-written and excellent exposition of the new penal code of Mexico, a Doctor of Law and Social Sciences, was formerly Professor of Law in the National University of Mexico, and was a member of the technical committee which formulated and proposed the new code.—Ed.

crimen. Abandonan definitivamente la doctrina de la venganza, vindicta u hostilización, y consideran que es bastante con estimar al delincuente un ser dañino y peligroso, para adoptar las medidas que aconseje el interés colectivo, sin ira y sin odio, con algo que pudiera decirse es semejante a la frialdad sentimental con que el cirujano o el médico amputa o cura, operando sobre el órgano enfermo para éste no contamine o gangrene el resto del organismo.

Esta teoría que en rigor no es nueva, desde el punto de vista especulativo, se aplica o empieza aplicarse hasta ahora como inspiración práctica y como sistema concreto en leyes y reglamentos de penología, siendo en realidad su aplicación sumamente fecunda en resultados novedosos. En lo que respecta al Código Penal de México la simple aplicación de esta teoría ha sido bastante para informar todo un sistema lógico y homogéneo del cual son simples detalles aislados la abolición de la pena de muerte y la supresión del jurado.

Por sí solas dichas reformas no serían de tomarse en cuenta. Si algo valen ante la crítica de los criminólogos es sin duda, solamente, porque son parte de una homogeneidad de principios, convertidos en preceptos de ley.

El nuevo Código Penal de México intenta ser, por lo tanto, lo menos "penológico" posible, en el sentido de aplicar, definir y distribuir "penas". La Comisión que trabajó en el proyecto de él de buena gana habría suprimido del título el adjetivo "Penal", como nombre del código. No lo hizo en realidad porque, se temió que el atrevimiento fuese demasiado lejos. Pero siquiera, a lo menos, en todo el texto de la ley no se usa la palabra "castigo", ni el vocablo "pena", reemplazádolos sistemáticamente por la voz "sanción", "sanciones".

No se hizo tal cosa por el simple prurito de innovación "snobista". Se quiso que realmente quedasen mudados forma y fondo de la nueva ley, para estimular también la formación de una nueva psicología social respecto a ella. Nuevas entidades reclaman nuevos nombres, y si la ley traía

entidades nuevas, era preciso no retroceder ante la adopción de nombres nuevos.

TRATAMIENTO EN VEZ DE CASTIGO

El nuevo Código intenta ser el *Código del delincuente y no el Código del delito*, como la medicina contemporánea quisiera conocer mejor a los *enfermos* que a las *enfermedades*. Por consecuencia inmediatamente perceptible el Código quiere también, hasta donde es posible, tratar a los delincuentes, con la mira de reformarlos, en vez de castigarlos simplemente. No se pretende suprimir absolutamente el elemento doloroso que toda violación trae consigo, como consecuencia inevitable del brusco rompimiento que el infractor establece entre su personalidad como socio y la sociedad de la que es parte. El dolor de la infracción es consecuencia del simple desajuste y desequilibrio social que la violación entraña. Basta el hecho de ese desajuste o desequilibrio aun sin propósito deliberado de estigma, de hostilidad o vindicta que se proponga inferir dolencia alguna, para que, sin embargo, se opere la reacción dolorosa, tanto más profunda cuanto más honda es la ruptura, como basta a la glándula o al nervio estar en desajuste para que su desequilibrio trascienda en dolo al organismo. El dolor de la infracción, salvo aberraciones definitivas en la condición del individuo, se causa en daño de éste, en tanta proporción como pueda causarse en daño de la sociedad. A lo menos esa es la condición que debe procurar un sistema racional educativo que tienda a hacer hábitos definitivos en los socios, afinando las sensibilidades de éstos hasta conseguir que ese sea y no otro el único dolor con que la violación pueda refrenarse.

No se quiso llegar a extremos ilusorios en la elaboración del Código Penal de México. Es decir se pretendió con el mayor empeño no olvidar la realidad social de México. Dentro de las posibilidades económicas del presupuesto, y capacidades educativas del medio, se quiso hacer ciencia, sin olvidar que debió hacerse también vida. Los autores del Proyecto repi-

tieron siempre, al solicitar el concurso de la opinión pública del país sobre las reformas propuestas, que *“no deseaban hacer un Código que bajase de la Biblioteca a la realidad, sino que subiese de la realidad a la Biblioteca”*.

No define el Código Penal los sistemas de tratamiento que se hayan de adoptar en cada caso. Se quiere que estos sean determinados de acuerdo con las condiciones personales e individuales de los sujetos. Pero sí se establecen las bases generales de los diagnósticos, y se deja a la interpretación de la ley que harán los funcionarios encargados de aplicarla, el alcance de los preceptos según estos deban ser entendidos, de acuerdo con la inspiración general de la ley y de los principios criminológicos que la han informado.

Pueden en general describirse esos procedimientos de diagnóstico y apreciación del delito, diciendo que serán una serie de exámenes de expertos o peritos, desarrollados de acuerdo con las enseñanzas de la moderna criminología, en sus conexiones con las diversas ciencias que estudian la personalidad humana y la humana naturaleza. Cuatro ángulos pudieran puntualizarse como importantes en la descripción o análisis de esa personalidad: el aspecto psicológico y psiquiátrico, la historia social, el dictámen o esquema antropológico, y el balance educacional. Sería imposible sin descender a un casuismo inútil, pues el Código apenas inicia sus trabajos y no existe aún acopio suficiente de material para intentar hacer un relato de casos concretos, sería imposible, decíamos, detallar la forma y desarrollo de esos exámenes periciales que, seguramente, van a ser regulados por la experiencia, intentando mejorarlos a medida que la operación del nuevo Código vaya haciéndolo posible.

LAS RAZONES PARA LA SUPRESION DE LA PENA DE MUERTE

Con la exposición anterior, brevemente hecha, queda expedito el camino para comprender por que la pena de muerte ha sido abolida. Si se trata de investigar con sincero propósito de bien, la cantidad y calidad de los diversos recursos que

puedan emplearse para restaurar la personalidad del delincuente, para luego ponerlos en práctica hasta donde ello sea posible, y de este modo obtener los objetivos de reforma y readaptación perseguidos, y si por otra parte, no cabe pensar debamos ejercer venganza, vindicta, ni agresión dañina semejante, entonces, evidentemente, la pena de muerte es innecesaria.

Los elaboradores de la ley mexicana creyeron interpretar correctamente la opinión general del país cuando establecieron como principio fundamental de la nueva ley la necesidad y la *legitimidad que la sociedad tiene para defenderse y precaverse contra el peligro que el delincuente significa*. Pero esa proposición se completa con otra correlativa, según la cual, *también el delincuente tiene siempre el derecho de ser atendido por la colectividad y tratado hasta ver si es posible conseguir su reforma*.

El delito no es simple producto individual. Es también producto social. Consiguientemente corresponde a la sociedad mirarlo con ojos de solidaridad, y de *culpa colectiva*, diríamos, toda vez si pudiera hablarse de "culpas" en estas materias. "Culpa colectiva" ésta que no es posible desarrollar en ningún sistema *punitivo* que prácticamente "castigase" a la sociedad, ya que sería absurdo imaginar a ésta castigándose a sí misma, pero que obliga forzosamente a considerar la calamidad del crimen, con la frialdad con que haya de verse otra calamidad cualquiera, sin prejuicios de vindictas, de taliones o de cobrar dolor por dolor, en la persona del delincuente. Para remediar todo mal público, sea cual fuere, es el peor camino perder la serenidad y asumir actitudes pasionales.

Probablemente no encuentre esta teoría mucha aceptación entre los partidarios de los principios absolutos. Acaso se objete que es demasiado pragmática. Los elaboradores del Código Penal de México refrenaron su individual simpatía por todos los absolutos, porque no se trataba de hacer un tratado de criminología trascendente, sino un proyecto de

Código concreto. Acaso la discusión académica de todos los problemas fundamentales hubiese sido simpática a los proyectistas, como ocasión para postular sus respectivos ángulos de teorización, pero empeño doctrinario de esa naturaleza habría irremediablemente conducido a una confusión inútil de sistemas, sin resultado alguno práctico para hacer los preceptos del Código, y ofrecer un proyecto al Presidente de la República. Consiguientemente los comisionados, prescindiendo de teorías fundamentales, creyeron acertar mejor, presentando, concertando y discutiendo, un proyecto que, esencialmente, satisficiera a todos los absolutistas, aun cuando fuera por diversos caminos de dialéctica y principios, si bien coincidiendo en el aspecto y conclusión prácticos, cualesquiera que fuesen los puntos de partida.

Salvo en detalles sin importancia todos los miembros de la Comisión aceptaron las ideas directrices de la reforma. Y así mismo la aceptaron igualmente todos los pensadores del país que se dignaron responder al llamamiento que oportunamente y con insistencia hizo la Comisión pidiendo, luces, sugerencias y aún censuras.

La ley mexicana no resucita, consecuentemente, el debate sobre la pena de muerte, que en realidad puede considerarse agotado. Razones en pró o en contra son sabidas perfectamente y han sido repetidas sin cesar, por todos los tratadistas. Pudiera sin embargo recordarse como uno de tantos argumentos favorables a la supresión de la bárbara pena capital, mencionar una consideración de homogeneidad en el sistema, que impuso como consecuencia ineludible, la abolición de la pena de muerte en su calidad de irreparable, considerando como una evidente iniquidad *hacer pagar con la vida a los llamados "incorregibles" la deficiencia y falla de la sociedad para encontrar no sólo medios adecuados con que defenderse de ellos, sino además modos concretos y eficaces para no desesperar en reformarlos. Deficiencias ambas de la colectividad tanto o más que de ellos mismos.*

Se ha hablado mucho del carácter escarmentador o deterrente de la pena de muerte. Lo es sin duda. Pero no está probado que sea el único deterrente ni menos aún el mejor de todos. Aparte de que es poco científico fincar en la pena de muerte como suprema virtud esencial su deterrenencia, cuando la civilización actual no quiere tanto hacer *miedos* cuanto establecer *hábitos*, mirando aspectos constructivos en el destino de la humanidad, procurando hacer personalidades integrales más que aumentar meramente el número de los relatos espeluznantes.

LOS MOTIVOS DE LA SUPRESION DEL JURADO

Una vez que se ha emprendido seriamente la tarea de auscultación y esclarecimiento de las fallas de la personalidad humana que haya de restaurarse, y una vez que la investigación técnica en especial de la personalidad del delincuente está terminada, quedando el caso listo para aconsejar la adopción de las medidas que sean pertinentes para llevar adelante el intento de reforma del criminal, no cabe someter al voto sentimental de los miembros del jurado el resultado de esa investigación técnica, a menos que los jurados fuesen constituidos en técnicos, y actuasen técnicamente siempre, en cuyo caso dejarían de ser “jurados”, según la institución se ha conocido siempre tradicionalmente, en su clásica construcción y concepción democrática, excluyente por sí misma de todo tecnicismo. Esta es la razón primordial por la cual el Código de México suprime el jurado.

Además el jurado tradicional actuó siempre como reivindicador. Era el condenador o el glorificador sin término medio posible. Le tocaba hallar uno de dos extremos: el reo era culpable o inocente. Y esa disyuntiva férrea, sin posibilidad de prudente “compromise” fué en México un sempiterno “complejo” psicológico en el que naufragó toda posibilidad de justicia. Porque la justicia por esencia busca ser prudente, jamás extremosa. “Summum jus, summa injuria”, como decía la máxima latina. Dos proposiciones categóricas ex-

tremosas, son seguro naufragio del término medio salvador del decoro y del derecho. En el jurado mexicano ese término medio no pudo existir porque la institución nunca pudo dejar de ser pasional. Y así es, en la mayoría de los casos en que se discuten grandes motivos emocionales, aun el jurado de otros países. Véase lo que sucede en los dramas del jurado" que describen los "movies", dramas fantásticos y fruto de la imaginación, pero en el fondo realistas en la esencia y la sustancia. Siempre existe ante el espectador el héroe incierto del que no se sabe si es o no culpable, sino hasta el momento del "climax" final, cuando es declarado inocente en medio de los aplausos de la concurrencia que se supone llena la Sala de Audiencias de la Corte, y que se ve en la pantalla seguir con morbosa incertidumbre, aquel duelo entre la verdad y el error, el bien y el mal, la glorificación o la condenación.

En la nueva fórmula de la justicia se intenta que semejante morbo desaparezca. No habiendo términos inflexibles, cada caso podrá recibir la plenitud de atención técnica posible, con simplicidad, sin pasión, y con la mayor serenidad compatible con la realidad. Los expertos que opinen y dictaminen en él no estarán bajo la presión y apremio del jurado.

Al jurado institucional se concedió la trascendencia misma que a la democracia que lo inspiraba. Fué la garantía de que el reo habría de ser juzgado siempre *por sus iguales*, (by his peers) y no por los asalariados del Estado. Con evidente prejuicio se considera que el juez no es ni pueda ser "igual" del reo. Porque estrictamente el reo debería ser juzgado por sus iguales para que se cumpliera la exaltada concepción democrática. Al inocente habrían de juzgarlo inocentes y al culpable culpables, lo que es absurdo porque entonces el concepto mismo de la justicia fracasaría, resultando así, que, en el más optimista de los supuestos el reo es siempre juzgado por sus desiguales, y no por sus iguales. Por otra parte no hay razón alguna para que el juez, unitario o colegiado, Corte o Tribunal, adolezca de todos los estigmas, y estén exceptuados o desprovistos de ellos los jurados, siendo así que, unos y

otros son de la misma especie humana, o de la propia *humana naturaleza* como ahora es boga decir.

En el sistema mexicano, si hay prejuicio, éste sería en favor y no en contra del reo, de acuerdo con las concepciones fundamentales, y este es otro motivo más por el cual considerar el jurado innecesario.

EL CONSEJO SUPREMO DE DEFENSA Y PREVENCION SOCIAL

La nueva criminología mexicana ha creado un organismo nuevo denominado “Consejo Supremo de Defensa y Prevención Social”, integrado por criminólogos, sociólogos, psiquiatras, y técnicos conocedores del espíritu de la ley y de los nuevos métodos que ella entraña. Al Consejo corresponde individualizar y prescribir el tratamiento de los delincuentes sentenciados. La Comisión no pudo atreverse a desvincular la misión de sentenciar y juzgar de los jueces, porque, de acuerdo con la Constitución, “es privativo del Poder Judicial” discernir el derecho en sentencia e “imponer castigos”. Pero, hallando un expediente todavía mejor en concepto de los proyectistas del Código, se creó un organismo nuevo, esencialmente técnico, que, libre de las trabas y fatigas de la administración de justicia rutinaria, y ajeno a las funciones de tramitación e investigación preliminar, desempeñase las funciones requeridas por el tratamiento de los delincuentes, haciendo por su parte la respectiva investigación técnica. De esta suerte el Consejo tendrá dos funciones primordiales: primera, ejercer la prevención y profilaxia de la delincuencia que sea necesaria para eliminar los orígenes de incubación del delito, y, segunda, ejecutar las sentencias dictadas por el poder judicial, Jueces y Tribunales, sentencias que, para esa parte de la labor del Consejo, se procurará sean tan indeterminadas e individuales como sea posible, dentro del indeterminismo e individualismo que son susceptibles y posibles dentro de la nueva ley.

El Consejo discernirá el *cómo* de la aplicación de la ley, después de que los magistrados y jueces hayan establecido el *por qué*, y el *cuándo* de la aplicación de ella.

Al Consejo corresponde establecer los medios de tratamiento y de reforma que sean más adecuados, sometiendo a los delincuentes a las especiales maneras de esa técnica.

Tendrá el Consejo, como anexos y dependencias todos los organismos e instituciones de la antigua maquinaria "punitiva", que hicieron la penología del Distrito Federal y Territorio en épocas pasadas, más los nuevos establecimientos criminológicos que en lo de adelante se construyan. Prisiones, cárceles, penitenciarías, colonias penitenciarias, pasarán a depender del Consejo. A estas instituciones se han añadido las de índole preventiva, tales como tribunales de niños, clínicas sociológicas, hospitales psicopáticos, etc., que bien están ya funcionando o se proyecta crear inmediatamente a medida que los casos de tratamiento vayan necesitando tales instituciones. En una palabra, el Consejo tendrá a su cargo todos los instrumentos de trabajo sociológico y criminológico que exigen sus funciones de prevención y ejecución.

LAS DIFICULTADES DEL NUEVO SISTEMA

No se escapa a nadie que una reforma tal como la iniciada por México tiene que tropezar con dificultades numerosas para llevarse a cabo y alcanzar éxito. Si es cierto que nadie objeta ya a la fecha los nuevos rumbos descubiertos por la criminología moderna como principios puros, también lo es que para adoptar en concreto medidas legales en consonancia con tales principios, se encuentran muchos obstáculos, no sólo en los prejuicios sociales, sino principalmente en las posibilidades prácticas de ejecución de tales programas de reforma.

En México uno de los obstáculos más dignos de consideración ha sido la escasez económica del presupuesto, que no permite destinar sumas exorbitantes a estos trabajos. Todo tiene, pues, que ser improvisado dentro de una reducida escala, y no siempre a satisfacción. Sin embargo, restando así tamaños a la obra, que no pretende México hacer para enseñanza del mundo, sino apenas como ensayo de criminología

científica, el experimento de México es digno de atención y del interés de los intelectuales del resto del mundo.

Además ha sido designado ya el primer Consejo al que corresponderá en buena parte la alta responsabilidad de sacar adelante el proyecto de nueva criminología. No tanto porque él sea la única institución con autoridad dentro del nuevo sistema, sino porque en su seno se encuentran los técnicos más autorizados para guiar a jueces, abogados, funcionarios y procuradores, en la nueva tarea.

El Código establece requisitos de excelencia excepcionales para poder ser miembro del Consejo. Estará compuesto por cinco personas, y deben ser los consejeros:

1. Mexicanos en pleno goce de sus derechos civiles y políticos;

2. Mayores de treinta y cinco años de edad;

3. Dedicados con especialidad a la prevención social de la delincuencia, a la criminología, a la sociología o a ciencias afines.

4. Profesionales con título académico sobre la respectiva especialidad y titulados con ejercicio profesional de más de cinco años anteriores a su nombramiento;

5. Poseedores de buena reputación y fama pública;

6. Autores a lo menos de un libro anual sobre derecho penal, criminología, prevención social de la delincuencia, psiquiatría, u otro cualquiera de los aspectos de la criminología mexicana.

Los anteriores requisitos se establecieron con la mira de estimular la selección de técnicos de caracter superior. El Presidente Portes Gil, al hacer el nombramiento de los miembros del Consejo que entró a funcionar el 15 de diciembre de 1929, seleccionó excelentes colaboradores, por su capacidad técnica. Pero, a juzgar por los informes que llegan de México, los trabajos del Consejo se ven entorpecidos por las obstrucciones que traen consigo el apartamiento y desvinculación de los Consejeros de la política militante. Eso los hace escasos de poder ejecutivo para ver cumplidas sus ordenes.

Consiguientemente un primer recurso inmediato se impone: robustecer la fuerza política del Consejo, como autoridad nueva en medio del conjunto de entidades que forman el poder público. Según parece, a pesar de todos los buenos deseos, *no ha sido cosa fácil conseguir que el resto de la maquinaria gubernativa acepte de inmediato, a la nueva institución con la suma de poder que ha sido preciso conferirle para que pueda hacer frente a la difícil tarea que le está encomendada.*

La Comisión Técnica de Legislación que propuso los nuevos Códigos Penal y de Procedimientos Penales, estuvo integrada por los abogados Luis Chico Goerne, Guadalupe Mainero y Salvador Mendoza, ingresando a ella más tarde el abogado Miguel Lavalle.

El primer Consejo Supremo de Defensa ha quedado constituido por:

José Almaraz, doctor en derecho, Presidente; autor del ante-proyecto de Código Penal y de Procedimientos Penales adoptado por la Comisión.

Manuel Gamio, Ph.D. de Columbia University, antropólogo y sociólogo, especialista en sociología mexicana;

Matías Ochoa, doctor en derecho, criminólogo;

Carlos L. Angeles, doctor en derecho, criminólogo;

Matilde Rodríguez Cabo, una dama, doctora en medicina, psiquiatra y especialista en delincuencia de niños.

Todas las Cortes organizadas de acuerdo con la nueva legislación han empezado a funcionar, y el Procurador del Distrito Federal y Territorios, Dr. José Aguilar y Maya, ha puesto a todo su "staff" a trabajar, desde luego, dentro del plan de operación de los nuevos códigos.

SALVADOR MENDOZA.

New York, February, 1930.

[ABSTRACT]

On December 15, 1929, a new penal system was inaugurated in Mexico, which is applicable to the Federal District, and to the terri-

tories of California Baja and Quintana Roo. The technical committee formulating it consisted of Luis Chico Goerne, Guadalupe Mainero, and Salvador Mendoza, with the later addition of Miguel Lavalle. The new code abolishes the death penalty and the jury system, for the latter a council of experts being substituted which considers the special conditions under which any individual crime has been committed.

The old idea of vengeance—"a tooth for a tooth"—has been definitely abandoned. The criminal is considered as a being who has sinned against society's laws and who needs treatment not punishment. He is socially harmful and dangerous, but needs to be considered quite apart from all idea of anger and hatred, and to be judged by the cold light of reason alone. The application of the theory, not the theory itself, is new. The suppression of the death penalty and of the jury are merely details of the application of the theory. The "penal" side of the correction is stressed as little as possible, and the "treatment" side magnified. The effort is toward the creation of a new social psychology.

The code does not define the treatment to be adopted in any given case. This is determined by the personal and individual conditions of the criminal and the conditions under which the crime has been committed. The code does, however, establish general bases of diagnosis. The interpretation of each case is left to the consideration of those persons who apply the law. Experts conduct a series of examinations of the criminal in accordance with the teachings of modern criminology. These examinations include the psychological, psychiatric, anthropological, sociological, and educational factors as evolved in modern society. Experience gained by the application of the law will dictate the best methods.

In the light of reform instead of punishment, the death penalty is not necessary. The criminal has a right to treatment. The new code recognizes that crime is not an individual product but one of society. If society kills the criminal, it punishes itself. The means adopted for reform should not be left to the vote of a jury whose members might be moved by passion, but to experts. The old jury system rests on the idea of vengeance. It is not true that a man is judged by his peers under the old system, else criminals should rightly be judged by criminals. The new code has an altogether different conception of crime and correction than the old code.

The new code has established a body of five members known as the supreme council of social defense and prevention. The council is made up of criminologists, sociologists, psychiatrists, and technical persons acquainted with the spirit of the new law and the new methods. The first council consists of José Almarez, Manuel Gamio, Matías Ochoa, Carlos L. Angeles, and Matilde Rodríguez Cabo, all well known specialists.

The new code will have to struggle with a meager budget and will need to have back of it political strength. It does not sentence. It applies the sentence, and determines how the law shall be applied after sentence. It establishes the means of treatment and reform. In its control are all the old punitive agencies of prisons, jails, penitentiaries, and penal colonies, plus the new creations of juvenile courts, sociological clinics, and all modern psychiatric methods.

THE ANGLO-PORTUGUESE MARRIAGE OF 1662¹

The oldest alliance in the world is that between England and Portugal. It began in medieval crusading times.² The two countries have usually had common enemies and seldom divergent interests, and their alliance, in spite of wars and revolutions, has therefore continued to the present. Resting on neither sentiment nor affection, it is based on community of fears: the most common root of alliances.

On the eve of the Puritan Revolution, Charles I. treated with France, Holland, and Portugal³—at that time all enemies of Spain. John IV. of Portugal espoused the Stuart cause in the Civil War, and a marriage between Prince Charles and a Portuguese princess was discussed as early as 1644.⁴ At that time, it ran counter to Queen Henrietta's plans for an Orangist marriage,⁵ and was dropped; but in March, 1649, the Portuguese ambassador at The Hague broached the matter to Charles II. and found him not unsympathetic.⁶ Portugal,

¹ Dates of events in England are given in old style (O.S.); those on the continent, in new style (N.S.). Where there might be doubt in the reader's mind, or where it seems best, in order to avoid confused chronology, I have given both or specified one.

² Shillington, "The Beginnings of the Anglo-Portuguese Alliance," *Trans. Royal Hist. Soc., New Ser.*, XX. (1906), 109-132.

³ Treaty in J. Dumont, *Corps Universel Diplomatique* (Amsterdam, 1726-31), VI. pt. 1, 238-241. Summarized in E. Prestage, *Diplomatic Relations of Portugal, 1640-1668* (Watford, 1925), pp. 102-103. Cf. H. Schäfer, *Geschichte von Portugal* (Hamburg, 1836-1854), IV. 523.

⁴ Santarem, *Quadro Elementar das relações politicas e diplomaticas de Portugal com as diversas potencias do mundo* (Paris, 1842-76), XVII. 54, 56-57. Pub. Rec. Off., St. Ps. For., Port., IV. f. 50 (the document printed by G. Jones, "The Beginnings of the Oldest European Alliance: England and Portugal, 1640-1661," *Amer. Hist. Ass'n Reports*, 1916, I. 410, n.). See the correspondence (edited by E. Prestage) of D. Antonio de Sousa de Macedo, Portuguese resident at London, 1642-46, in the bulletin of the Academia das Sciencias de Lisboa, X. (1916), 114-225.

⁵ With Louisa Henrietta, eldest daughter of Frederick Henry, Prince of Orange.

⁶ Jones, p. 410, n.

however, soon had to think of *de facto* governments instead of indulging in dreams of Stuart restoration. Protection of English royalists led to war with the Commonwealth, in which Portugal was speedily discomfited;⁷ and after Dunbar and Worcester had thoroughly displayed Cromwell's strength, King John sued for peace. The result was the treaty of 1654,⁸ which in its commercial provisions practically reestablished that of 1642. Stuart and Cromwell found peace with Portugal equally valuable and natural; and Portugal found it necessary, whether or not desirable.

So long as Spain was hard-pressed by France, Portugal could easily maintain its war of independence.⁹ Particularly was this the case when, in 1657, Cromwell joined France, and with the death of John IV. of Portugal, the Regent Queen Mother prosecuted the war with increased energy, and won the decisive victory of Elvas (January, 1659).¹⁰ But the next few months wrought a great change. Cromwell died and Mazarin deserted at the Peace of the Pyrenees. Portugal was then left to the mercies of Spain on land, and of Holland at sea, war with the latter having been resumed in 1657.¹¹ Ma-

⁷ Prestage, *Diplomatic Relations*, pp. 111-117; Castries, *Les Sources inédites de l'histoire du Maroc*, Ser. I, vol. III. (Paris, 1911), 647; Thurloe, *State Papers* (London, 1742), I. 131-147; *Hist. MSS. Com., Portland MSS.*, I. 519, 527, 531, 536; S. R. Gardiner, *Commonwealth and Protectorate* (London, 1903), I. 301-306.

⁸ Preliminaries were agreed to December 29, 1652
January 8, 1653; and the treaty was signed July 10/20, 1654, following pressure upon the arrival of Blake's and Montagu's fleet. Gardiner, III. 78, 81, IV. 237, 239; Thurloe, II. 248; Santarem, XVII. 88-99; Schäfer, IV. 569-571; Prestage, pp. 129-132; treaty in Dumont, VI. pt. 2, 82-85.

⁹ It was not much of a war, however. In July, 1657, Cominges, the French envoy, sent to demand Tangier in return for French aid, wrote: "Ilz se resjouissent de la prise de vingt cavaliers comme s'ilz avoient gaigné un combat. Enfin la guerre de ce pays-ici est assez comparable à celle des petitiz enfans quy sont dans les rues et fuyent chacun à leur tour" (Castries, *loc. cit.*, p. 690).

¹⁰ Prestage, pp. 62, 69; Thurloe, VII. 611; Vertot, *History of the Revolution in Portugal* (London, 1813), pp. 42-43; D'Ablancourt, *Memoirs* (London, 1703), pp. 26-27.

¹¹ Lefèvre-Pontalis, *Jean de Witt* (London, 1885), I. 236.

zarín, however, never intended wholly to desert the Portuguese, but rather "to excite them to look out for other help at present, that he might the more privately relieve them"¹² without causing war with Spain. Not for a whole year did the "more privately" given relief come, and in the meantime the Portuguese sought and gained the promise of "other help". On April 18, 1660, while the Spanish infanta was on her way to France to complete the alliance of those two states, the English council of state signed a treaty which permitted the recruiting of 10,000 infantry and 2,000 cavalry for the Portuguese cause.¹³ "After suffering untold humiliations for the Stuart cause, the Portuguese were caught at the last moment in league with the murderers whom they abhorred."¹⁴

But it was not quite so bad as that. The murderers were in a rather repentant mood, and the Portuguese managed to keep informed on the state of that repentance, which cannot quite be said of either the French or Spanish. As soon as the king's return was certain, the Portuguese ambassador, Mello,¹⁵ proposed to Monk indirectly that Charles should marry the Portuguese infanta.¹⁶ Monk was somewhat agree-

¹² Kennett, *Register and Chronicle* (London, 1728), p. 394. Cf. Prestage, p. 75 and n.

¹³ Printed in Santarem, XVII. 118-121. Cf. Whitelocke, *Memorials* (Oxford, 1853), IV. 407; Burnet, *History of his own Times* (ed. by O. Airy, Oxford, 1897), I. 290-291; La Clède, *Histoire Générale de Portugal* (Paris, 1735), VIII. 249; Kennett, pp. 91, 394; *Cal. St. Ps., Dom., 1659-1660*, p. 348. It was never ratified by the council (Guizot, *Richard Cromwell and the Restoration* [London, 1856], II. 390-400), nor by the restored king.

¹⁴ Jones, p. 414.

¹⁵ Francisco de Mello e Torres, Conde da Ponte and Marques de Sande. There were four men by the name of Francisco de Mello in this period, all Portuguese diplomats, resulting in endless confusion and numerous errors, even in the works of Portuguese scholars. The above was the only one who was not a "Dom". The other three were: (1) D. Francisco de Mello Manuel da Camara, ambassador to Holland and England, (2) D. Francisco Manuel de Mello (cousin of above), a celebrated writer, and envoy to England and Italy, 1663, (3) D. Francisco de Mello, Conde de Assumar, loyal to Philip IV. of Spain, and governor of Flanders until 1643 (Prestage, p. 141, n.).

¹⁶ The proposal was made by Father Russell, Mello's interpreter and chaplain, to William Morice, Monk's agent. The former was used throughout the marriage

able, and promised to broach the matter to Charles upon his return.¹⁷

Had Mello not thus ingratiated himself with Monk, his close relations with the English republic would certainly have caused his immediate recall, as happened in the case of the French ambassador, Bordeaux.¹⁸ In fact, Mello showed no mean agility in adjusting himself to the new situation. Ready to bear his signed treaty to Portugal when hearing of the impending restoration,¹⁹ he immediately changed his plans, established relations with Charles at Breda through Sir Robert Talbot,²⁰ and prepared and distributed a memorandum to English merchants which emphasized the past pleasantness of Anglo-Portuguese relations with inferences for the future. He thereby induced two hundred English merchants to petition Charles to maintain trade with Portugal.²¹ He was the first foreign minister to have audience with the restored king; and he was received kindly.²² Thanks undoubtedly to Monk's influence, Charles sensibly considered Portugal's recent conduct one of despair and not of choice.

negotiations, and Sir Robert Southwell later spoke of him as "a most effectual instrument to make Catherine Queen of England" (Prestage, p. 138, n.), which should be taken to mean nothing more than that Father Russell considered himself that; for it was from him—then a bishop at Lisbon—that Southwell later got his account of the negotiations (T. Carte, *Ormond* [Oxford, 1851], IV. 102).

¹⁷ Carte (*Ormond*, IV. 102, quoting Southwell) and Kennett (p. 394, and *cf.* L. Echard, *England* [London, 1707-18], III. 82) impute to Monk the motive of wanting to get rid of Cromwell's mutinous unpaid regiments *via* Portugal. But it is unnecessary to concoct such an explanation. Monk always had been anti-Spanish, which is natural, considering his Devonshire origin, his introduction into military service at Cadiz in 1625, and his service under Cromwell. See J. Corbett, *England in the Mediterranean* (London, 1904), II. 6; and *cf.* Clarendon, *Life* (London, 1838), I. 498. Corbett is perhaps stretching a point in making this interview the thing that stirred Monk from his neutrality; but it is true that immediately following it, Monk sent Grenville to open negotiations with Charles II.

¹⁸ A. Cheruel, *Histoire de France sous le Ministère de Mazarin* (Paris, 1882), III. 321-324.

¹⁹ *Cal. St. Ps., Dom. 1659-60*, pp. 421, 575, 599.

²⁰ Carte, *Ormond*, IV. 103. Ranke (*History of England* [Oxford, 1875], IV. 344) incorrectly states that Mello himself went.

²¹ *Ibid.* Prestage, p. 139.

²² Clarendon, I. 487-488.

But there was every mark of cautious hesitation at doing anything which might give umbrage to Spain, technically still England's enemy, but the ally of the restored king. The general wave of reaction against everything Cromwellian, though in many respects ineffective, strengthened a bond of feeling between England and Spain in spite of their inability to make peace until 1667.²³ Commercial interests in England though unwilling to sacrifice recent conquests, wanted peace with Spain. The first council meeting (June 15) discussed the propriety of the king's receiving Mello as regards its effect on Spain;²⁴ and when Portugal soon thereafter asked Charles to confirm the treaty of April 18, he immediately refused.²⁵

The marriage negotiations started during the summer of 1660.²⁶ After a preliminary conference with Manchester, Mello approached Charles with an oral proposal which set the dowry at 2,000,000 crusados (about £500,000) and Tangier including free trade in Brazil and the East Indies.²⁷

On the afternoon of the same day, Charles related the proposal to Clarendon "as a matter that pleased him".²⁸ When Clarendon's enemies were later seeking grounds for impeachment, they blamed him for the childless Portuguese marriage.²⁹ Clarendon denies that he was responsible, but admits that if he were, "there was no reason to be ashamed of it".³⁰ Monk and Montagu—both Cromwellian men—were

²³ *Infra*, p. 331.

²⁴ Ranke, III. 321.

²⁵ Prestage, p. 140.

²⁶ Charles mentioned the Portuguese terms to General Marsin in September (Ranke, III. 344, n.).

²⁷ Clarendon, I. 489-490. Cf. Jones, p. 415.

²⁸ Clarendon, I. 491.

²⁹ Scandalous accusations (e.g., Reresby, *Memoirs* [London, 1875], p. 53; *Life and Times of Anthony Wood* [ed. Clark, Oxford, 1891] I. 440; Ailesbury's *Memoirs* [London, 1890], p. 7) stated that Clarendon brought about the marriage with full knowledge of Catherine's incapacity to bear children—in the interests of his family. His daughter, Anne Hyde, had just been married to the duke of York, and in the absence of children to Charles II., their offspring might rule England. Carte (*Ormond*, IV. 101), Clarke (*James II* [London, 1816] I. 394), and many more recent writers successfully refute this base imputation. See further on Clarendon's attitude, Burnet, I. 292, n.; and Kennett, p. 395.

³⁰ Clarendon, I. 488; cf. II. 6; and Carte, *Ormond*, IV. 101.

undoubtedly its chief original promoters.³¹ Clarendon was, however, extremely anxious that the king should marry.³² No sooner was Charles in England than he gave way to the most profligate life—his first night in London was spent with Barbara Villiers³³—and the court followed his example. Clarendon hoped that the influence of a good and accomplished wife might reform him, or at least (and Clarendon perhaps knew Charles well enough not to hope for more) impart some

³¹ Burnet (I. 291), and Echard (III. 81), on the authority of Robert Southwell (who got his story from Russell—see *supra*, n. 16) ascribe the marriage to Monk. Cf. Ranke, III. 345; Corbett, II. 7. The marriage becoming an unpopular one, Monk found his defenders (see *e.g.*, Lansdowne, "Vindication of General Monk" in *Genuine Works* [London, 1736], II. 135-184) and quite a literature of controversy arose on this point (*e.g.*, Colbatch, *Examination of the Late Archdeacon Echard's Account . . . Addressed to . . . Lord Lansdowne* [Cambridge, 1733]; and [Thos. Burnet?] *Remarks upon the . . . Lord Lansdowne's Letter . . . as far as it Relates to Bishop Burnet* [London, 1732]).

Burnet states that Monk was approached by "a Jew that managed the concerns of Portugal" whom Airy (Burnet, I. 290, n.) identifies as Augustine Coronel-Chacón, one of the Spanish Crypto-Jews under the Commonwealth, who, contrary to most of them who treated kindly their benefactor, Cromwell, enriched himself by risky trafficking with royalists (Lucien Wolf, "Crypto-Jews under the Commonwealth," *Jewish Hist. Soc.* I. (1893-95) 70, 75; *Cal. St. Ps., Dom. 1654*, p. 448; F. Martin, *History of Lloyds* [London, 1876], p. 54). He was a friend of Monk, and after becoming a Christian, was knighted in October, 1660 (*Le Nève, Pedigrees* [London, 1873], p. 145; Wolf, "The Jewry of the Restoration, 1660-64", *Jewish Hist. Soc.* VI, 1902-03, 17-18). His unfortunate later career can be traced in *Cal. St. Ps., Dom. 1661-62*, pp. 172, 241, 270, 611; *1664-65*, pp. 61, 62; *1665-66*, pp. 118, 137. One of the minor results of the Portuguese marriage was a decided increase in the number and prosperity of the Jewish community in London (Wolf, "Jewry of the Restoration", *Jewish Hist., Soc.* V. 19). But the two Jews most frequently mentioned (*e.g.*, M. Kayserling, *Gesch. der Juden in Portugal* [Leipsic, 1855], p. 324; J. Picciotto, *Sketches of Anglo-Jewish History* [London, 1875], p. 44) as attending the queen to England—Dr. Fernando Mendes and his brother Andreas—did not. The latter never existed and the former came in 1669 (*ibid.*, p. 21).

³² Clarendon, I. 489. Cf. H. Craik, *Clarendon* (London, 1911), II. 120.

³³ The fact, if not the place, is undisputed. See L. C. Davidson, *Catherine of Braganza* (London, 1908), p. 39; O. Airy, *Charles II* (London, 1904), p. 158; P. W. Sergeant, *My Lady Castlemaine* (London, 1912), pp. 31-32; and the long list of contemporary writings cited and discussed in G. Steinman-Steinman, *A Memoir of Barbara, Duchess of Castlemaine* (1871), pp. 22-23. The royalist *Augustus Anglicus* (1686) merely consigns him to a "sweet and sedate repose, p. 91.

degree of propriety to his conduct. But the selection was from this standpoint certainly a poor one, and there is no reason to attribute it especially to Clarendon. The chancellor had hoped for a Protestant queen, but had to admit suitable ones were scarce. As to English subjects, Charles declared "he had seen none that pleased him enough to that end";³⁴ he would not consider Clarendon's suggestion of the princess of Orange, for her mother had snubbed him when he had proposed it in exile;³⁵ and German princesses, he declared, were "all foggy".³⁶ Since it had to be a Catholic, Clarendon was favorable to the Portuguese proposal, and asked the king to appoint a committee of five to consider it. Ormond, Manchester, Southampton, and Nicholas were appointed along with Clarendon, at whose house they met.³⁷ The importance of Tangier from a naval and commercial point of view,³⁸ and the size of the dowry ("almost double what any king had ever received in money by any marriage") quickly decided them, whereupon Clarendon was empowered to negotiate with Mello at once. Meanwhile, the path had been smoothed by a royal proclamation (October 6) "declaring that there is no obstruction to the renewal of the treaties between England and Portugal made by those late in power here".³⁹

³⁴ Clarendon, I. 492.

³⁵ Davidson, 38.

³⁶ Carte, *Ormond*, IV. 108.

³⁷ T. H. Lister, *Clarendon* (London, 1838), II. 127; Burnet, I. 293.

³⁸ Clarendon relates (I. 494) that the king said "he had spoken both with the Earl of Sandwich and Sir John Lawson occasionally and merely as loose discourse, what place Tangier was, which he pointed to in the map, and whether it was well known to them; and they both said, they knew it well from the sea. But that Sir John Lawson had been in it, and said, it was a place of that importance, that if it were in the hands of the Hollanders, they would quickly make a mole, which they might easily do, that now ships could not ride there in such a wind . . . but if there were a mole, they would ride securely in all weather, and they would keep the place against all the world, and give the law to all the trade of the Mediterranean."

³⁹ *Bibliotheca Lindesiana, Royal Proclamations* (Oxford, 1910), II. No. 3263; Santarem, XVII. 125-127; Prestage, p. 140; Borges de Castro, *Supplemento á collecção dos tratados* (Lisbon, 1872-80), IX. 170.

The first Portuguese proposal that was put on paper offered a dowry of 2,000,000 crusados, Tangier, a joint offensive war against the Dutch in the East Indies, and the retention by the English of all places they might capture, except Mascate and half of Ceylon. To these offerings was soon added Bombay.⁴⁰

Let it be perfectly understood, that in offering Tangier and Bombay, Portugal was offering what it could not expect to retain long without help. Bombay would in all probability have fallen soon to the Dutch—as Ceylon had in 1658—and Tangier could not much longer resist both Spanish and Moors. Portugal showed no little acumen in pressing for the disposal of its possessions while they were still in its possession, and in the market where they would be most highly valued.⁴¹ Bombay, however, was little appreciated at the time, and the East India Company refused to assume its control until after long delay (November, 1667) and persistent urging on the part of the government.⁴²

Clarendon's reply to Mello was that of a bargainer in asking for twice as much dowry, and that of an astute statesman and imperialist in suggesting bases for the English fleet if there was to be a joint naval war in distant waters. In addition to Bombay, he asked for Bassein, Mozambique, and either Pernambuco or Rio de Janeiro. Commercial England, or in other words, the City of London, spoke when he further requested direct trade from England and Newfoundland to Brazil without touching at Lisbon, and the privilege of establishing English factories at designated places in Portuguese

⁴⁰ Jones, p. 415. It is often stated incorrectly (*e.g.*, by Clarendon himself, writing long after; *Life*, I. 491-493) that Bombay was offered at first. The belief that Madeira was at one time promised is thoroughly refuted by copious manuscript proofs from the Ajuda Palace, quoted by Jones, p. 415, n.

⁴¹ Corbett, II. 5; *Hist. MSS. Com., Rep. V.* p. 151; Ballard, "Downfall of Portugal in the East," *Mariner's Mirror*, XII. (1926), 169-195. Tangier had been a Portuguese possession since 1471, and Bombay since 1534.

⁴² W. Foster, *English Factories in India* (Oxford, 1906-), XI. 124; Mainwaring, *Crown and Company* (London, 1911), I. 30.

dominions.⁴³ In the face of these demands Mello needed further instructions and left for Lisbon at the end of October.⁴⁴

His reception there (November 10, N. S.) shows the desperate straits to which Portugal had come.⁴⁵ Disunited, ruled by a questionably legal regent for a weak and incompetent king, and expecting a Spanish attack in the spring which they could not hope to repel, the Portuguese received Mello's news as help from heaven. Religious antipathies, and the initial disappointment over Clarendon's unexpectedly large demands, all gave way before the obvious advantages and necessity of the alliance. The queen regent said it was worth all their East Indian possessions.⁴⁶ Personal pride, however, led Mello to insist on an earldom before returning, and the delay entailed⁴⁷ was costly; for when he finally arrived in London early in February, enthusiastic over the queen's promise of the new title, it was only to find himself in the midst of difficulties and opposition developed during his three-months absence, which were all but to wreck the project.

⁴³ Jones, p. 417 (citing Clarendon MSS.). Representatives of the East India Co. had an audience with the king on November 9, and emerged with some promise of help against the Dutch in the East Indies (*Hist. MSS. Com., Rep. V*, p. 169).

⁴⁴ He bore a letter from Charles to the infanta, written in the king's own hand "as to a lady whom he looked upon as his wife" (Clarendon, I. 499), another to the king of Portugal (printed from Clarendon's draft in W. D. Macray, *Notes which passed at meetings of the Privy Council* [Roxburgh Club, London, 1896], No. 15), and another to the queen regent. In order to conceal the real object of his journey, Mello left with his family, feigning dissatisfaction over the course of the negotiations (Clarendon, I. 499; Prestage, p. 141). But the fact that negotiations were in progress was a matter of common knowledge (*Hist. MSS. Com., Rep. V*, p. 157), the proclamation of October 6 having given forewarning.

⁴⁵ Letter of Thomas Maynard, English consul at Lisbon, November $\frac{1}{11}$, 1660, in Lister, III. 112. He said a peace with England was "the only thing under Heaven lefte them to keep them from despaire and enuie".

⁴⁶ Maynard's letter, February $\frac{12}{22}$, 1661, in Lister, III. 118. The treaty was settled by the middle of December, and Russell bore favorable letters to England at that time (Prestage, p. 141). Mello's instructions, however, are dated January 11, 1661 (given in Borges de Castro, IX. 173).

⁴⁷ Clarendon's memory (I. 512) was bad, as usual.

In late September, Baron de Batteville arrived in London as Spanish ambassador. His chief business was to prevent the Anglo-Portuguese alliance.⁴⁸ A rough, jolly soldier, born in the Spanish barracks in Burgundy, and recently governor of San Sebastian, he set about his task in a characteristic manner, drawing "such of the court to his table and conversation who he observed were loud talkers"⁴⁹ and allying himself with the English Catholics who, at his instigation, were soon supporting Protestant brides selected by Madrid, rather than a Catholic from a country unrecognized by the pope. Chief among his accomplices was George Digby, earl of Bristol, a prominent English Catholic.⁵⁰ Papal politics were involved herein not merely by accident. Back of Spanish resistance was the Roman church, which, in spite of French and Cromwellian pressure, clung to Spain and fought Portuguese independence.⁵¹ The Anglo-Portuguese negotiations now intensified the pope's efforts, for "a Protestant porter at the gates of the Mediterranean could only be an abiding menace to Rome".⁵²

For a time Batteville knew only that a treaty was being

⁴⁸ *Cal. St. Ps., Dom. 1660-61*, p. 277. The name is variously spelled Battevilla, Vateville, etc.

⁴⁹ Clarendon, I. 503. Cf. Craik, II. 122; Carte, *Ormond*, IV. 105-107. He came equipped to develop "loud talkers": he brought 30 tuns of wine (*Cal. Treas. Books, 1660-67*, pp. 206, 328, 376).

⁵⁰ He had been with Charles in exile, and was once his secretary of state, resigning upon becoming a Catholic. Soon thereafter he attended Charles II. to Fuentarabia, whence he went to Madrid and was well received by the Spanish king. Returning to England after the restoration, and receiving at times Charles's favor but never official position, he led for many years the Spanish Catholic party which opposed Portuguese and French interests, and the Clarendon régime. See D. Townshend, *George Digby* (London, 1924), p. 212, *et passim*; Clarendon, I. 499-502, 505-511; *Dict. Nat. Biog.* A letter of d'Estrades, dated August 29, 1661, describes Bristol's cabal against Clarendon (*Arch. des Aff. Etr. Angl.*, 75, ff. 132-136). H. M. Digby, *Sir Kenelm Digby and George Digby Earl of Bristol* (London, 1912) is worthless.

⁵¹ See "Corpo diplomatico Portuguez", *Relações com a Curia Romana* (Lisboa, 1862-1910), XII.-XIV.; also Brienne's letters to Abbé de Bourlémont and Cardinal Antoine, July 9, 16, 1661, printed in Boislisle, *Memoriaux du Conseil de 1661* (Paris, 1905-1907), II. 188.

⁵² Corbett, II. 7. Cf. Clarendon, I. 525.

discussed.⁵³ Later, when assured of the marriage clause, he doubled his efforts to prevent it, marshalled his Catholic forces, and utilized threats, scandal, and all the other meaner weapons of diplomatic arsenals to achieve his purpose. He declared the marriage would cause war with Spain—relations being already strained by England's retention of Dunkirk and Jamaica, and now to be snapped by England's occupation of Tangier, which Spain regarded as its own.⁵⁴ It was an effective argument, striking the English commercial classes whom Charles feared to estrange. He had assured them repeatedly that the Portuguese negotiations would not lead to war with Spain.⁵⁵ Batteville used also the religious argument: Charles ought not to displease his Protestant subjects and arouse a popish alarm by a Catholic marriage so soon after his restoration.⁵⁶ He could easily obviate this danger by marrying a Protestant—someone from Denmark, Saxony, or the house of Orange.⁵⁷ If it were the large Portuguese dowry that attracted, Spain would provide any of these with an equal amount.⁵⁸

⁵³ See Bennett to Charles II., December 8, 1660 (Lister, III. 114-116), reporting the remonstrances of Luis de Haro against England's friendly attitude toward Portugal, but not a word regarding the marriage. See Carte, *Ormond*, IV. 105, regarding Fuensaldaña's (Spanish ambassador at Paris) first cognizance of the marriage. Cf. Macray, No. 25 ("that 'tis only in relation to trade"), and Lister, II. 128.

⁵⁴ Corbett, II. 7.

⁵⁵ *Hist. MSS. Com., Rep. V*, pp. 159-160. For rumors of war, see *Cal. St. Ps., Dom. 1660-61*, p. 541 (March 19, 1661). In March, 1661, he told Bastide he would give "the best assistance he could *without beginning a war with Spain*" (Clarendon, I. 520). Cf. Ranke, III. 380. For the prosperous condition of Anglo-Spanish trade, see Wolf, "The First English Jew," *Jewish Hist. Soc.*, II. (1894-1895), 15; and Richard Baker, *The Merchant's Humble Petition and Remonstrance* (London, 1659), pp. 3, 10.

⁵⁶ For the sake of Catholics who might favor Catherine, Batteville spread rumors that she would undoubtedly soon become a heretic, since she was already reported to be reading Protestant books! (Prestage, p. 143).

⁵⁷ Fuensaldaña was promoting the princess of Orange and even the Infanta Margaret of Spain, after scattering rumors that her supposed betrothal to Emperor Leopold was unfounded (Carte, *Ormond*, IV. 105).

⁵⁸ Kennett, pp. 393-394; Prestage, p. 144; and see Batteville's memoir of May 3 in Peek, *Desiderata Curiosa* (London, 1879), Bk. 14, No. 4.

This was somewhat fair fighting, using commercial, religious, and financial weapons not without point. But Batteville next stooped to a vilification of Catherine: she could not bear children; she was ugly and deformed; and of questionable conduct from childhood.⁵⁹ Bristol added to these calumnies with "a very luxurious style, unlimited by any rules of truth or modesty",⁶⁰ and proceeded to fill Charles's eager ears with accounts of beautiful Italian ladies, whom Spain would gladly dower. With characteristic fickleness, the king allowed Bristol to go to Parma to inspect Medici and Farnese princesses.⁶¹ Clarendon protested, but finally acquiesced in order to get Bristol out of the way, and perhaps to draw better terms from Mello.⁶²

Such was the situation when Mello returned to London on February 13. He had apparently idled away eight days on the journey from Plymouth, cocksure of success and dreaming of his earldom. Next day he was received by the king politely, but coldly; and he retired baffled and discouraged.⁶³

⁵⁹ Santarem (XVII. 152), Kennett, (p. 395, and Echard, III. 83) state that Catherine's incapacity to bear children "was publicly talked of among the English merchants at Lisbon", who remonstrated to Sandwich against the marriage on this ground. Sir Robert Southwell heard it at Madrid from the duchess of Guadalupe, "a lady who had been acquainted with her from her infancy, and in her nursery" (Kennett, p. 698). See further, Colbatch, *Examination*, p. 44. Carte (*Ormond*, IV. 108) and Kennett are to be doubted when they make Clarendon oppose the marriage on the grounds of Catherine's barrenness, and the king convince him that such was a Spanish rumor.

⁶⁰ Clarendon, I. 509.

⁶¹ "My Lord of Bristol is going over tomorrow upon private business of the King's, but whither is not known with us; 'tis supposed to view some lady; but whether to Portugal, Germany or Sweden we are left to guess" (Newport's letter, February 7, 1660⁰/₁, *Hist. MSS. Com., Rep. V*, p. 151. Cf. *Cal. St. Ps., Dom.* 1660-61, p. 511, where a letter of February 15 states "he has gone"). Cf. Newport's letters of March 5, 12, and 23 (*Hist. MSS. Com., Rep. V*, pp. 151, 159). Rumors of the king's previous marriage "to a lady in Flanders, niece to the Prince de Ligny" probably emanated from Batteville, who hoped thereby to delay at least the Portuguese negotiation (*ibid.*; Prestage, p. 145).

⁶² *Ibid.*, p. 143. Cf. Townshend, *Bristol*, p. 214.

⁶³ Clarendon, I. 512; Prestage, p. 144; *Hist. MSS. Com., Rep. V*, p. 202 (letter of E. Gower, February 14, 1661); Lister, III. 490. Cf. Charles's note to Clarendon about his audience, printed in Macray, No. 25. On March 11, he wrote in a

Clarendon appeared no less frigid. A Parma match was being generally discussed. It was a rude awakening for Mello.

Batteville, meanwhile, was hilarious, and insolent in his assurance of victory. It was the pride which goeth before a fall.

For even if England had a rather cheap, fickle, and undependable king, her real ruler was of more stable stuff. Clarendon, never favoring Bristol's mission nor the ill-treatment of Mello, remonstrated with the king, taunting him with breach of faith and lack of chivalry toward Catherine. Ormond and Southampton added their remonstrances, and Charles decided to recall Bristol,⁶⁴ who had, however, performed his mission, but not with success. He had seen two of the Italian princesses on their way to church. One was fat and one was ugly. Neither could be considered an æsthetic counterweight to the Portuguese alliance.

Batteville was soon to feel the new reins. In March, he had entertained the newly-arrived ambassador from Brandenburg, along with another (probably the Dutch), and asked them to suggest an Orangist marriage, the dowry to be furnished by the king of Spain. The cautious ambassadors sought Clarendon's advice first, and the chancellor says: "I gave them my advice freely."⁶⁵ Batteville doubtless secured no help from that quarter, and he soon secured quite the opposite from another quarter: France.

France had not ceased resistance to Spain with the peace of 1659; it was now exerted *via* Portugal. Although there was a diplomatic interregnum between Paris and Lisbon from 1660 to 1669, the two countries never lacked secret channels of communication. Early in 1660, Mazarin sent the Marquis de

most discouraged vein of "As intrigas e os tempos me matam" (Santarem, XVII, 165). Cf. Ranke, III, 380.

⁶⁴ *Hist. MSS. Com., Rep. V*, p. 151 (letter of March 23, 1661). *Clarendon State Papers* (Oxford, 1767-1786), III., Supp., viii (Bastide to Clarendon, May 13, 1661).

⁶⁵ Macray, No. 26.

Chouppes to encourage Portugal, and to promise French support,⁶⁶ which was soon forthcoming. Portuguese joy over the news brought by Mello (November 10, N. S.) was trebled by the arrival the next day of Count Schomberg and six hundred soldiers, who thus quietly passed from French to Portuguese service. The veteran German soldier of fortune was made to appear "as one prevailed with by the Portuguese ambassador at Paris, and not as sent over by the orders of the Court of France",⁶⁷ but few were deceived.

Years later, Louis's memory of the events which followed appears in a memoir:

I saw that the Portuguese, if they were deprived of my assistance, would not be able to resist alone the forces of the House of Austria. I did not doubt that the Spaniards, having vanquished that domestic

⁶⁶ *Recueil des Instructions données aux Ambassadeurs, . . . Portugal* (Paris, 1886), pp. 49-56; Thurloe, VII. 828. Le Chevalier de Jant, who had negotiated a treaty in 1655, was ordered to go, but his appointment was cancelled before his arrival (Prestage, pp. 76-77). See further, J. Tessier, *Chevalier de Jant* (Paris, 1877).

⁶⁷ Burnet, I. 302. Two ordinances, dated October 26, 1660, and February 27, 1661, prohibited Frenchmen from entering Portuguese service (Boislisle, I. 41). Schomberg's force sailed from Le Havre three days after the first ordinance. The agreement regarding this force had been made on August 24, 1660, chiefly through the mediation of Turenne, for whose important rôle in Anglo-French relations, see W. O. Morris, "Turenne," *Eng. Hist. Rev.*, II. (1887) 271; also Boislisle, I. 347. He had been a friend of the Stuarts in exile; he had offered to fit out an army in northern France to expedite Charles's return (J. MacPherson, *Original Papers* [London, 1775] II. 667); and he had corresponded with Monk at the time of the latter's march on London. Being son of the Duc de Bouillon, a sovereign prince, he could technically be regarded as a foreigner in France. Louis XIV. secretly countenanced the agreement, but arranged that the actual final negotiation should occur in England whither Schomberg went before sailing for Portugal. He interviewed Charles and Clarendon, was created Baron of Tetford, and as usual urged England to Protestant leadership in Europe. He was accompanied to Lisbon by the Portuguese ambassador to France, Conde de Soure. Spain protested against French complicity (Boislisle, I. 41-42), Louis XIV. partially denying such, and partially excusing it on the ground of his wife's unpaid dowry—that ever-convenient loophole for Bourbon breach of contract. See Kazner, *Leben Friedrichs von Schomberg* (Mannheim, 1789), and La Clède, VIII. 244-246; Mignet, *Négociations relatives à la Succession d'Espagne* (Paris, 1835-1842), I. 88; Corbett, II. 15; Kennett, p. 47; *Hist. MSS. Com., Rep. VII*, p. 381; D'Ablancourt, pp. 4-7, and *Dict. Nat. Biog.*

foe, would more easily undertake to oppose the establishments I was meditating for the good of my state; and yet I had a scruple about aiding Portugal openly, on account of the Treaty of the Pyrenees. The most natural expedient for relieving myself of that embarrassment was *to place the King of England in a position to permit that, in his name, I should give to Portugal all the assistance necessary.*"⁶⁸

But Louis undoubtedly did not intend to give aid unless it was necessary for the consummation of the alliance.

Early in March, 1661, Spanish machinations were running smoothly, and Batteville appeared to be winning. In that month arrived Bastide with persuasive letters of credit totaling 500,000 livres,⁶⁹ and assurance that France favored the Portuguese alliance.⁷⁰ He knew English and England well, having long been secretary to Bordeaux. His mission was a very secret one, his only credential being a letter from Fouquet, superintendent of finance; but this department of the French government was one of primary interest to Charles II., then and usually. Bastide first met Clarendon alone, in "a back room whither the Chancellor came to him"; and the next day, at the same hour and place, they met with Charles present. Of others only York and Cornbury⁷¹ knew of the

⁶⁸ *Mémoires de Louis XIV* (éd. Dreyss, Paris, 1860), II. 407.

⁶⁹ "Le Roi a résolu qu'on enverra en Angleterre une personne, avec des lettres de crédit et quelque somme considérable, pour une affaire importante a l'État dont M. le Procureur général s'est chargé," (Boislisle, I. 31, date, March 12; an appended note stated that he had already departed). Cf. *ibid.*, p. 39. Note Louis's later explanation: "parce que c'est une cour ou l'on fait d'ordinaire beaucoup par l'argent, et que les ministres en cette nation ont été fort souvent suspects d'être pensionnaires d'Espagne", (Mignet, I. 87, n.).

⁷⁰ For his mission, see Clarendon, I. 516-524; Lister, II. 129-136; Burnet, I. 292-293; Ranke, III. 381; Firth and Lomas, *Notes on the diplomatic Relations of England and France, 1603-1688* (Oxford, 1906), p. 42; and "Substance of a Conversation between Lord Clarendon and Mons. Bastide," March, 1661, by Lord Cornbury (Clarendon's son and secretary) in *Clar. St. Papers*, III. Supp., p. i. He went on the pretext of buying lead for French public buildings (Mignet, I. 87, n.).

⁷¹ See *Dict. Nat. Biog. and State Letters of Henry, Earl of Clarendon* (Oxford, 1763), I. xiv. Louis spoke of it as "une negociation très secrète, inconnue même à mon ambassadeur en Angleterre" (Mignet, I. 87, n.). Mello was ignorant of

negotiation. Fouquet had insisted that the duke of St. Albans (English ambassador at Paris) and the queen mother should not; insistence which he knew would impress the chancellor, who disliked both.

Bastide's business was twofold: to secure Charles's promise to work in harmony with France as to Dutch relations, and to put through the Portuguese marriage. He succeeded in both. Only the latter concerns us here. Charles was assured that Louis himself would have been delighted to have married Catherine, "a lady of great beauty and admirable endowments", but for the advice of his mother and minister, who desired peace with Spain above all things; "that he believed the King could not bestow himself better in marriage, than with the Infanta"; that he had assured Portugal of further support; that he realized Charles might be rather impecunious after his continental sojourn; and that he would therefore pay 300,000 pistoles toward the summer expedition to Portugal and more when necessary.⁷²

The next morning,⁷³ Bastide called upon Clarendon and attempted to express his gratitude in a manner more in keeping with Bourbon methods than with the chancellor's stolid integrity. If Bastide spoke "in a confused manner", as Clarendon's old-age memory states he did, it was not because this French treasury agent was not accustomed to offering bribes,⁷⁴ but because he knew Clarendon's reputation for honesty. After an awkward introduction, he showed the chancellor bills of exchange and credit for £10,000, payable

the mission (Ranke, III. 381), nor did he know for sure until six weeks later that France was working for the marriage.

⁷² Clarendon, I. 518.

⁷³ Lord Cornbury's Notes puts this interview before the others. It is possible that he should be trusted in preference to Clarendon's old-age memory; but I think it probable that Bastide did not attempt to bribe Clarendon to do this one thing, but sought to *pension* him permanently, after beholding his favorable attitude. In letter of April 17, 1661 (*Clar. St. Papers*, III. Supp., p. iv), he renewed the offer, referring to the previous time as "when I took my leave".

⁷⁴ He surely had experience under Bordeaux. See *e.g.*, Guizot, *R. Cromwell*, I. 240-241, 246, 248, 251.

at sight; "he had been with the merchant who would be ready to pay it that afternoon"; and while it "in itself was but small", it should be regarded as "only the earnest of as much every year, which should be constantly paid, and more, if he had occasion to use it".

There is nothing about Clarendon's career but the slanders of his enemies' to make one disbelieve his account of what happened. In great indignation, he told Bastide "to tell Fouquet that he would only receive wages from his own master", and when Bastide pressed for acceptance, he "went with manifest anger out of the room".⁷⁵

But it was a lonesome place and time for virtue.

That afternoon the King and duke . . . came to the Chancellor and found him out of humour. He told them "that Fouquet could not be an honest man and that he had no mind to hold that correspondence with him"; and thereupon repeated what had passed in the morning with much choler; which made them both laugh at him, saying, "the French did all their business that way"; and the King told him "he was a fool".

Clarendon followed with a little sermon, "to which the king smiling made no other reply than that 'few men were so scrupulous'," which was surely true.⁷⁶

One should not accept at all conclusively Charles's assertion⁷⁷ that it was Bastide's mission that decided the treaty.

⁷⁵ Clarendon, I. 522; Lister, II. 131-132; Burnet, I. 293. See further, G. Rose, *Observations* (London, 1809), p. 54; and Mignet, I. 87.

⁷⁶ Clarendon, I. 523; Lister, II. 132-133; Charles's note to Clarendon, September 15, printed in Macray, No. 37, and in *Clar. St. Papers*, III. Supp., p. xvi. As a result of Bastide's mission, Clarendon carried on a secret correspondence with him (printed in *ibid.*, pp. i-xv) until Fouquet's fall, when Louis informed him to communicate thenceforth with the French ambassador "which he was before restrained from" (Clarendon, I. 524; Charles to Clarendon, September 13, printed in Macray, No. 35, and in *Clar. St. Papers* III. xvi; Boislisle, I. 131, 187, 219). Fouquet had urged "that the Chancellor would always write with his own hand in English", but Clarendon appears to have entrusted it to his son. On May 9, 1661, he wrote: "There is not the least knowledge of this correspondence to any but my son, who is as secret as he ought to be."

⁷⁷ Ranke, III. 381.

Persons are frequently no more successful at analyzing accurately the causes of their decisions than are historians in attempting to do so for them. Particularly may this be said of one of Charles's disposition: light, carefree, fickle and seldom given to serious thought about himself or anything else. It is possible, however, that Bastide's mission was the thing that actually brought him to a decision. It added the weight of French livres—2,000,000 in three years was finally agreed upon⁷⁸—to Portuguese crusados, and the English ministers probably considered either surer than the pistoles with which Spain, worn and impoverished, was so anxious to provide anyone on earth non-Portuguese. But it is to be doubted whether in the end Charles would have required French persuasion to make the decision.⁷⁹ There is good reason to believe that other things alone would have accomplished the end. I refer to (a) Clarendon, and (b) Commercial England.

Clarendon persuaded Charles to recall Bristol even before Bastide arrived. In this he was supported by the more powerful members of the council, particularly Albemarle and Sandwich. Batteville was no asset to the Spanish cause. His loud, overbearing manner soon rendered him generally unpopular, and his threats of war finally raised obstinacy more than fear.⁸⁰ The murder of one of the king's French cooks in a street brawl by three cooks of the Spanish faction did not improve Batteville's case.⁸¹ His failure, however, must not be

⁷⁸ *Clar. St. Papers*, III. Supp., pp. xii, xiv; Prestage, p. 81. Cf. Memoir of January 19, 1663, Pub. Rec. Off., St. Ps. For., Fr. 117, ff. 16-21 (printed in Lister, III. 513-517).

⁷⁹ For an opposite view, see Corbett, II. 8. I have neglected the frequently-related rôle of Catherine's picture, dramatically presented at the crisis of the negotiations, and rapturously sentimentalized over by king and chancellor, because I judge it of no value.

⁸⁰ See the discussion of him at the council in Ranke, III. 381; also Clarendon's speech to Parliament, May 8, in Cobbett, IV. 190 ("not over-reserved in giving counsel nor in communicating the counsel he gives"); and the description of a conversation between him and the king (very likely that of April 28, *infra*, p. 333) in *Hist. MSS. Com., Rep. V*, p. 159 ("The King very shortly replied the King of Spain might do what he pleased in that [*i.e.*, going to war]; he valued it not").

⁸¹ *Hist. MSS. Com., Rep. V*, p. 160. It occurred late in March.

attributed to any change in the English attitude toward Spain. In the general reaction against all things Cromwellian, Spain gained in popularity. The Franco-Spanish street fight of September 30, 1661,⁸² as well as other incidents, testify to England's high regard for Spain throughout that year.

Nevertheless, Spain stood in the path of the greatest moving force of the day: commercial imperialism—the thing that, amid radical changes in government, provided some consistency and continuity to English foreign policies. Commercial England, while insisting there should be no war with Spain, insisted just as vigorously that Dunkirk and Jamaica should not be surrendered. Batteville would treat on no other basis than their restoration. London merchants were unimpressed by Spanish offers of compensation: extensive trading privileges in Portugal and Portuguese colonies, which incidentally Spain did not possess, nor did it then appear that it ever would. Yielding to Spain meant surrendering Dunkirk and Jamaica. Allying with Portugal meant retaining those and adding Tangier and Bombay.⁸³ The trade of the East and West Indies, “the most beneficiallest trade that ever our nation was engaged in”,⁸⁴ were the interesting profiles of the Portuguese treaty as seen by the merchants of the City. England might well have regarded the moment as one of crisis in the history of the empire.

But it is to be doubted whether many in England realized this fact. It is easy to read back into seventeenth century English minds more imperialism than was there. Albemarle and Sandwich—Cromwellian men—undoubtedly understood

⁸² *A True Relation of the Manner of the dangerous dispute and bloody conflict between the Spaniards and the French*, etc. (London, 1661). Boislisle, III. App. V. (pp. 140-176); *Cal. St. Ps., Dom. 1661-1662*, 100; Ranke, III. 383.

⁸³ “Whoever is against the match with Portugal is for the delivery of Dunkirk and Jamaica,” Clarendon's speech to parliament, May 8, in W. Cobbett, *Parliamentary History* (London, 1806-1820), IV. 191.

⁸⁴ Maynard's letter from Lisbon, November $\frac{1}{11}$, 1660 in Lister, III. 113. See also Heath, *Glories and Triumphs of the Restitution* (London, 1662), 254.

better than others. It should be noted that in his speech to parliament, the king emphasized only the commercial advantages as justifying the match, and never mentioned permanent possession of Tangier and Bombay.⁸⁵ England was embarking on uncharted seas of empire without much realization of the fact.⁸⁶ Louis XIV. was assisting at the christening—and Bastide's mission was about the first act of his personal reign, Mazarin having died on March 9—without much more realization of the imperial aspect of the treaty. There is real irony in France's encouragement of a reluctant England to a Mediterranean policy just on the eve of the creation of Colbert's navy. But for the moment that navy did not exist, and Louis XIV.—married to Maria Theresa the day after Charles reached London—was set upon the Spanish Netherlands, and that alone. Temporarily at least, like Mazarin, he desired to use and not to curb England in the Mediterranean. It is probable that he doubted whether England would ever be strong enough to require curbing. He showed statesmanlike opportunism without farsighted prudence.⁸⁷

During April, events were thus moving favorably for Portugal, but neither Batteville nor Mello knew it. The former was too optimistic; the latter, too pessimistic. Neither knew Bastide's real business. Popular rumors⁸⁸ were nearer right than supposedly informed opinion. Clarendon was playing

⁸⁵ Corbett, IV. 180. Cf. *Hist. MSS. Com.*, *Heathcote MSS.*, p. 18 (Charles II.'s letter to Fanshaw, August 23, 1661). Charles may have desired to keep secret the inclusion of Bombay and Tangier until occupation had taken place (Corbett, II. 9). The queen regent of Portugal was trying to do this at Lisbon (*infra.*, n. 145).

⁸⁶ Corbett, II. 9; A. W. Tedder, *Navy of Restoration* (Cambridge, 1916), pp. 72, 99; G. B. Hertz, *English Public Opinion after the Restoration* (London, 1902), p. 26. For an opposite opinion, see Dennis's review of Foster's *English Factories in India*, in *Amer. Hist. Rev.*, XXXI. (1925-26), 572.

⁸⁷ Unless, as suggested by Corbett (p. 24), characteristically ready to assign prescience in plenitude where it problematically belongs, he expected to behold England and Portugal fight Spain and the Netherlands in a long naval war of attrition over Tangier, while his own navy rose to full stature. It is true that Louis XIV. was surprised at England's easy occupation of Tangier (p. 31). Cf. Routh, *Tangier, 1661-1684* (London, 1912), p. 4.

⁸⁸ *Hist. MSS. Com.*, *Rep. V*, pp. 151, 160, etc.

a hesitating game, somewhat for the purpose of extracting from Mello all possible advantages, and somewhat because he actually doubted whether Portugal could either pay the promised dowry or deliver Tangier. He insisted that the latter should be in English hands before the marriage, for fear the Portuguese would either lose it or go back on their word. Mello, on the other hand, objected to turning it over before the marriage, for fear of some untoward incident preventing the latter. A partial agreement was finally arrived at, including Portugal's offering the island of S. Thomé as security for the delivery of Tangier; and on April 26, following a meeting of the council, Mello was informed of the king's favorable decision. Three days later, Charles presented the matter to his privy council—8 to 12 A. M., twenty-eight present, one absent—and they approved it "without one dissenting voice" and "with all imaginable cheerfulness".⁸⁹

The day before, Batteville was entertaining friends at dinner and boasting of his diplomatic victory over Portugal, when he received news of the council session called for the next day, with perhaps some warning of its possible action. He hurried to the king, was closeted with him for two hours, reiterated his blustering threats of war in case of an Anglo-Portuguese alliance, and concluded the day with similar, but briefer, calls on Northampton and Clarendon. With his Italian prospects a failure, he was at that time urging the suit of the princess of Orange.⁹⁰ It was, of course, of no avail. Nor was it to avail that on the day after the council meeting, Bristol, lazily returning from Italy, interviewed Lionne, insisting that Hortense Mancini and not Catherine of Braganza would best serve French interests.⁹¹ Batteville's insolent de-

⁸⁹ Clarendon, I. 526-527; *Hist. MSS. Com., Rep. V.* 151; Prestage, p. 146; Ranke, III. 381.

⁹⁰ *Propositie van den Ambassadeur van Spaenge . . . 8 May 1661 . . .* (1661). (Knuttel, *Catalogus* [The Hague, 1889-1920], No. 8459).

⁹¹ Arch. des Affs. Etr., Angl., 75, ff. 10-11. Villaret [*i.e.*, Bastide] to Clarendon, May 13, 1661, in *Clar. St. Papers*, III. Supp., p. viii (a detailed description of

meanor now reached its climax. He printed and distributed his unanswered memoir of March 28,⁹² in the hope of influencing opinion in the coming parliament.⁹³ It was an unfortunate document; sound commercial arguments being smothered in war bluster and indiscreet arrogations regarding Philip's right to help select English queens. Besides causing Batteville's ultimate expulsion from the kingdom,⁹⁴ it had the curious effect of making Catherine the heroine of English nationalist sentiment, and of strengthening the king's hand in favor of the treaty. On May 8, Charles informed the opening session of his first parliament of the council's action, the unanimity of which now impressed him "as some instance of the approbation of God himself".⁹⁵ For a time, Charles had had difficulty in distinguishing between God and Bristol, but now it was all clear; and after receiving addresses of sincere congratulations from both houses⁹⁶—for England had been urging him to marry ever since the restoration⁹⁷—he gave instructions for concluding the alliance.

the interview "in the fields" near Fontainebleau). The Duke of Parma had come to London by that time to favor his niece's claims (Prestage, p. 145).

⁹² Referred to in the memoir of May 3, below.

⁹³ Printed in Peck, *Desid. Cur.*, Bk. 14, No. 4; and in *Original Letters of Sir Richard Fanshawe* (London, 1702), pp. 67-70. It was in reply to a pro-Portuguese pamphlet (Corbett, II. 10). See further, Ranke, III. 382; Lister, II. 139; Clarendon, I. 515; Kennett, p. 431. Spain soon gave up England, and tried to gain France by suggesting to Louis's ambassador at Madrid, the archbishop of Embrun, that since France might inherit all the Spanish empire some day, it would be to Bourbon advantage to prevent its dismemberment, and also even to help Spain regain Portugal. See Prestage, p. 82, and the correspondence in Mignet, I. 88 ff.

⁹⁴ Clarendon, I. 515; Macray, No. 42, n. He was supplanted in 1662 by Gamarra, Spanish ambassador at The Hague.

⁹⁵ Cobbett, IV. 180, and cf. Clarendon's speech of the same day, *ibid.*, pp. 189-190; *Lords Jours.*, XI. 240-244; Kennett, pp. 438-439; Clarendon, II. 4-5; Ranke, III. 381. See further Mello to the king of Portugal, May 23, in Davidson, p. 57 and to Orsini, May 19, in Arch. des Affs. Etr., Angl., 75, ff. 41-42.

⁹⁶ *Bibliotheca Lindesiana*, II, No. 3302; *Lords Jours.*, XI. 253; *Commons Jours.*, VIII. 248. For the popular reception of the announcement, see *Cal. St. Ps., Dom. 1660-1661*, pp. 586, 595.

⁹⁷ See e.g., Cobbett, IV. 119 (September 12, 1660).

Not until June 23 was the treaty signed, the chief points of the final negotiations being these:⁹⁸ (1) Portugal had insisted that England should either mediate a peace between it and the Netherlands, or help conclude the war,⁹⁹ and in a secret article (No. 15), England agreed to this;¹⁰⁰ (2) Mello insisted in vain that England pay its auxiliary forces, Portugal providing only bread and barley; it was left (Art. 6) that English financial responsibility for the forces should cease from the moment of their disembarkation on Portuguese soil;¹⁰¹ (3) England enlarged its promises of naval protection for the Portuguese coast (Art. 16); (4) the infanta renounced her family rights, but not her rights of succession (Art. 19); and finally (5), Tangier was to be handed over to the same English fleet which was, *thereafter*, to bear Catherine to England (Art.

⁹⁸ Prestage, pp. 147-148; Macray, No. 28. For the treaty, see *Hist. MSS. Com., Lansdowne MSS.*, III. 132; La Clède, VIII. 307-312; Santarem, XVII. 180-215; and G. Chalmers, *Collection of Treaties* (London, 1790), II. 286-296.

⁹⁹ On the evening of April 30, the day of the council's favorable action, Mello pressed Charles for immediate help against the Dutch, who were just then threatening the despatch of a fleet to Goa (near Bombay). Charles gave him an indefinite promise of help, chiefly diplomatic; but for the first time informed him that France was favoring the marriage. See Prestage, p. 147.

¹⁰⁰ As regards Spain, the treaty provided that Charles would not make peace if this prevented aid to Portugal, nor neglect the latter's support even if resulting in war on Spain.

¹⁰¹ The treaty provided for an English expeditionary force of 4000 foot and 1000 horse; and Portugal might also levy troops in England. It is clear from a note of Nicholas (Ranke, III. 345, n.) and other sources that the English assistance demanded was the main obstacle for some time. Cf. Clarendon, I. 497-498. Portugal desired England to engage in a joint war against Spain—which was quite a different thing from the military clause of the treaty providing that Charles would levy and transport 6000 troops at his own charge, but from the moment of landing at Lisbon, they were to be in Portuguese pay. The difference is accentuated when it is added that Charles was soon assured that France would do the transporting and pay a subsidy for the levying besides, and also when it is considered that, in Clarendon's words, "he had such a body of men ready for such a service [the Dunkirk garrison] which could with *much more security* and little more charge be transported to Portugal, than be disbanded [and paid off] in the place where they were [Dunkirk]" (*Life*, I. 498). Monk undoubtedly considered this method of getting the unpaid army out of England undisbanded a great advantage (*supra*, n. 17).

19). But this last point was agreed to by Mello only after Charles had signed a special document, declaring Catherine to be his wife: a fiction put on paper to avoid ecclesiastical difficulties at Lisbon. Portugal was unrecognized by the pope, who was doing all in his power to aid Spain;¹⁰² and yet Catherine could not be betrothed or married by proxy in Lisbon except by Catholic service, which in the case of this marriage (to a heretic) would require special papal dispensation.¹⁰³ Even if that could be obtained, it would refer to Catherine as the daughter of the duke of Braganza, and not of the king of Portugal. Thus, in spite of this document which declared Catherine Charles's wife, the treaty provided that she should go to England unmarried. Mello made much of this: "such a trust that had never been reposed in any prince".¹⁰⁴ Other things than trust are seen to account for this unusual and contradictory arrangement.

In signing the special document, Charles was protected by a clause declaring it void in case Portugal failed in any treaty engagements before Catherine's embarkation. It was thought that the dowry and all else had been made safe. Mello assured Clarendon that

the queen regent, having resolved not to dispose of any of the money that was provided for the war, had sold her own jewels, and much of her own plate, and had borrowed both plate and jewels from the churches and monasteries: by which means she had the whole portion ready, which was all sealed up in bags, and deposited where nobody could take it to apply to any other use.¹⁰⁵

Half the dowry (1,000,000 crusados) in "money, jewels, sugars, or other merchandise" was to be put on board the

¹⁰² *Supra*, p. 322.

¹⁰³ See Brienne's letters to Bourlémont and Cardinal Antoine, July 9, 16, 1661, quoted (from Bibliothèque National MSS. Fr., 15612, ff. 31, 41-42) in Boislesle, II. 188-189. For further light on the technical details of the marriage, see Macray, No. 67 and two letters of the Earl of Portland to Clarendon, May 19, 21, 1662, in *Clar. St. Papers*, III. Supp., pp. xx-xxi.

¹⁰⁴ Clarendon, I. 525. Cf. Clarke, *James II*, 394.

¹⁰⁵ Clarendon, I. 524.

English ships before Catherine embarked; and the remainder was to be paid within one year. The delivery of Tangier had been completely arranged. The old governor "who had lived there long and was humorous, on whom the queen could not confidently depend"—the fourteenth member of the Menezes family to hold the post—could not be bribed with a marquisate to surrender it.¹⁰⁶ He was removed, and Dom Luis de Almeida, after being promised an earldom and the governorship of Brazil for six years, was sent to perform the unpopular task.¹⁰⁷ The English fleet which was to go to India to receive Bombay was to take along a new Portuguese governor who could be trusted to make the delivery.¹⁰⁸

Four days previous to the signing of the treaty, Sandwich sailed for the Mediterranean to receive Tangier and the queen. A little later, Mello left for Portugal with letters from Charles to Catherine and her mother,¹⁰⁹ and a happy heart assured of the final signature to his earldom.

Edward Montagu, earl of Sandwich, had been one of the chief promoters of the marriage.¹¹⁰ His prime interest therein centered about Tangier. He was perhaps one of the few Englishmen who comprehended the imperial and not merely the commercial aspects of the negotiation. For five years he had been urging the need of a Mediterranean port

¹⁰⁶ *Ibid.*

¹⁰⁷ Menezes, *Historia de Tangere* [Lisboa, 1732], p. 272. See further, B. Meakin, *Land of the Moors* (London, 1901), p. 120; Routh, p. 10 (citing Maynard's letter of November 4, 1661).

¹⁰⁸ Foster, *Factories*, XI: 126 ff. for a detailed description, based chiefly on original materials at Bombay, of the expedition and the difficulties encountered in taking possession. Cf. Mainwaring, I. 1-16, 325-328 (York's instructions to the earl of Marlborough, January 4, 166 $\frac{1}{2}$ about taking over Bombay); and Danvers, *Portuguese in India* [London, 1894], II. 335-355. For a Portuguese account, see Biker, *Collecção de tratados . . . India Portuguesa* (Lisboa, 1881-1887) III. 3-17, and 18-62 for further documents thereon.

¹⁰⁹ Printed in Davidson, pp. 60-63 and Strickland, *Queens of England* (London, 1851-1852), V. 495. Cf. Fanshaw's Spanish drafts, printed in *Hist. MSS. Com., Heathcote MSS.*, pp. 16-17.

¹¹⁰ F. R. Harris, *Edward Montagu, Earl of Sandwich* (London, 1912), I. 197; Corbett, I. 9.

to cover England's trade, and incidentally to serve as a base of operations against the Algerian pirates. He had surveyed Gibraltar, Tetuan, and much of the Barbary coast. In 1657, he had proposed a British consulate in Tetuan, but in vain, owing to the opposition of the Levant Company.¹¹¹ It was natural that he should be appointed ambassador extraordinary to escort the new queen to England. He was instructed,¹¹² however, to do two other things first: to treat with or to destroy the Algerian pirates, and to occupy Tangier.

The Barbary corsairs are well known in history and fiction as the "Scourge of Christendom". While all flew the Turkish flag, the scum of Christian Europe, as well as Moslem, found its way into the lucrative business.¹¹³ In the middle of the seventeenth century, with Spain and Venice decadent, France not yet a sea power, and England and Holland at sword-points, their depredations were particularly serious. In the autumn of 1661 alone, England lost ten ships and cargoes.¹¹⁴ African dungeons held hundreds of English merchants; and European women and children frequently graced the Barbary slave markets. Playfair¹¹⁵ estimates—perhaps liberally—that between 20,000 and 30,000 Europeans were in captivity at one time in Algiers alone. Pitiful suffering and torture were undergone, slightly mitigated by the work of the Redemptionist Brethren, who have left us the classic description thereof by one of their number, Father Dan.¹¹⁶

Sandwich took along a list of English captives whose release he was to seek; and to this was added another list sent by the governor of Malaga, whose Spanish master, although

¹¹¹ *Cal. St. Ps., Dom.* 1656-57, pp. 274-275.

¹¹² For his instructions (covering only operations at Algiers, for the marriage treaty was not signed when he sailed) see Harris, I. 198, n., citing Carte MSS.

¹¹³ Routh, p. 7; S. Lane-Poole, *Story of Barbary Corsairs* (New York, 1890), ch. 17; Meakin, *Moorish Empire* (London, 1899), ch. 14.

¹¹⁴ Harris, I. 198, n.

¹¹⁵ R. L. Playfair, *Scourge of Christendom* (London, 1884), p. 8.

¹¹⁶ R. P. F. Pierre Dan, *Histoire de Barbarie et de ses Corsaires* (Paris, 1637; 2 ed., 1649).

opposed to the main purpose of the expedition, saw this possible good in it.¹¹⁷ But the immediate cause of Sandwich's expedition to Algiers was a most humiliating treaty extracted by the dey from the earl of Winchelsea on the latter's return from Constantinople in 1660.¹¹⁸ The corsairs had recovered quickly from Blake's victory of 1655, and were constantly violating the treaty made with him. The earl, undoubtedly feeling that for the time being any sort of treaty was better than none, had actually agreed to allow the Algerians to search British vessels and to take from them all foreigners and their goods.¹¹⁹

There was little reason for Sandwich to expect success against the pirates, for not less than a score of such expeditions left England, France, and the Netherlands between 1620 and 1685, and returned without decisive results.¹²⁰ The only real accomplishments of the period were two burnings of Algerian ships—by Blake in 1655,¹²¹ and by Spragg in 1670.¹²² National rivalries were chiefly to blame for the fruitlessness of the struggle. Until about 1620, Spain and Venice bore the burden without assistance and with considerable opposition from England and France. With their decline, England and Holland took it up, but never coöperatively, and always (as in 1661) with the secondary design of attacking the other in lieu of pirates. All too often that was the primary design, each using the Barbary situation as a blind under cover of which

¹¹⁷ Harris, I. 198 (citing Governor of Malaga to Sandwich, July 16, in *Carte MSS.*). See lists of captives rescued by the French during 1654 in Castries, *loc. cit.*, pp. 676-678. A letter of March 19, 1660, mentions 6000 or 7000 French slaves in Tunis and Algiers (Thurloe, VII. 834). Tetuan was said to be the worst place of captivity.

¹¹⁸ *Hist. MSS. Com., Rep. V*, pp. 151, 203.

¹¹⁹ Routh, p. 9; Playfair, pp. 80, 85. Lawson secured its revocation in 1662.

¹²⁰ Harcourt (1635), Mantin (1637), Beaufort (1663, 1664, 1665), Tourville (1679, 1681), Duquesne (1682, 1683), d'Estrées (1685), Sandwich (1661, 1662), Spragg (1669-1671), Ruyter, Tromp, and Binker (1661-64). See Grammont, "Études Algeriennes", *Revue Historique*, XXV. (1917), 33.

¹²¹ Lane-Poole, p. 269; Gardiner, III. 382.

¹²² Lane-Poole, p. 272; Routh, p. 142; Playfair, p. 111.

to attack the other's trade. Sandwich's departure was hastened by the information that the Dutch were sending a squadron to the Mediterranean—of course, against the Turks—and it would require watching.¹²³ France, pristine friend of Constantinople, was indifferent until the peace of the Pyrenees rendered it unnecessary to encourage piracy against Spain.¹²⁴ Only the knights of St. John at Malta, were the consistent and ever-dependable crusaders against the corsairs.¹²⁵

On June 19, with the Portuguese treaty agreed to but not yet signed, Sandwich left England, touched at Lisbon, and after some delay at Alicante owing to illness, he anchored off Algiers six weeks later. One Captain Spragg was immediately sent ashore to coöperate with Brown, the English consul, in demanding that the right of search be surrendered. The ultimatum was brusquely refused. Thereupon the customary inconsequential encounter at long range ensued, in which wind, tide, and fog assisted Algerian forts in repelling the initial English attack.¹²⁶ After a week of waiting, Sandwich decided the season was untoward for further attempts, particularly since the Algerians had utilized the week well in defensive preparations against his next attack;¹²⁷ and leaving Lawson with ten ships to maintain a blockade, which was performed with considerable success, Sandwich headed for the

¹²³ *Hist. MSS. Com., Rep. V*, pp. 166, 170. Cf. *Acts of Privy Council, 1613-1680*, p. 299 (request of the Dutch ambassador for the aid of English ships).

¹²⁴ Routh, p. 8.

¹²⁵ Grammont, *loc. cit.*, p. 31.

¹²⁶ Harris, I. 200-201; Corbett, II. 23-25. Tedder, pp. 81-82, n., citing "a glorious printed account" in Carte MSS., 223, f. 248, entitled *The Demands of His Gracious Majesty the King of Great Britain to the Grand Seigneur or Emperor of Turkey . . . with a True Relation of the Great and Bloody Fight* (London, 1661); *Hist. MSS. Com., Hodgkin MSS.*, p. 158. (Sandwich to Pepys, September ¹¹/₂₁, 1661). Sandwich's Journal, mostly printed in Kennett, pp. 471, 512, 537, etc.; J. Campbell, *Admirals* (London, 1812-17), II. 323-325; Southey, *British Admirals* (London, 1833-40), V. 248-249. J. Charnock, *Biographia Navalis* (London, 1794-98), I. 34.

¹²⁷ Lane-Poole, p. 272; Campbell, *Admirals*, II. 101-113, 216.

Tagus with his five ships, there to await promised reinforcements before proceeding against Tangier. On the way he attempted to treat with the governor of Tetuan, but failed. His accomplishments on the Barbary Coast had been far from glorious, although he attempted to show continued activity while backing under Lisbon skies. "I goe to sea againe tomorrow," he wrote, "and see if wee cann light on any Turkes."¹²⁸

While passing the Straits, Sandwich had met Ruyter, and courtesies had been exchanged while both were anchored in Fuengirola Bay¹²⁹—courtesies, however, which neither misunderstood; for although both were incidentally bent on destroying pirates, Ruyter was there primarily to watch Sandwich and to protect the Spanish plate fleet from him; and one of Sandwich's tasks was to see the Portuguese Brazil fleet safely into harbor without an attack from Ruyter. It is no surprise that the English people were generally confused as to whether the two fleets were allies against the pirates, or at war with each other.¹³⁰

England and the Netherlands were, in fact, on the brink of war in the late summer of 1661, in spite of a signed but unratified peace between the Dutch and the Portuguese in August. The Dutch had been in a desultory state of war with Portugal since 1657. Promising negotiations in 1659 had been bungled by the treason of Dom Fernando de Telles, Portuguese ambassador at the Hague, who went over to Spain;¹³¹ but his successor, Count Miranda, proved himself an able diplomat. The Dutch had taken Ceylon and expected to take more.¹³² Many of the provinces therefore opposed peace, and

¹²⁸ *Hist. MSS. Com., Hodgkin MSS.*, p. 159 (Sandwich to Pepys, September 11, 1661).

¹²⁹ G. Brandt, *Ruyter* (Amsterdam, 1698), p. 261; Harris, I. 201-202.

¹³⁰ *Hist. MSS. Com., Rep. V*, pp. 159, 160.

¹³¹ Prestage, pp. 219-221; J. Beresford, *Godfather of Downing Street, Sir George Downing* (London, 1925), pp. 82, 84.

¹³² See, e.g., *Hist. MSS. Com., Rep. V*, pp. 151, 160; Harris, I. 196; Corbett, II. 5.

for that reason threw all their influence against the Anglo-Portuguese alliance which they realized, would undoubtedly compel peace. Not until that treaty was assured was Miranda able to force his terms through the States General (June 24, 1661), and then but by a bare majority, secured, so accusations ran, by bribing Schulenburg, deputy of Groningen and president for the week.¹³³ The opposition came chiefly from Utrecht, Groningen, and, most of all, Zealand and Guelderland: the provinces most interested in the West India Company, to whom the loss of Brazil was to be a fatal blow. This opposition soon found an ally in England. Charles's mediation, proffered during, and as a result of, the negotiations with Portugal, had been accepted by both sides, but he had not been consulted so far, and the commercial clauses of the treaty, now voted by the Dutch, infringed upon the Anglo-Portuguese pact of 1654, as well as the present marriage treaty, by placing the Dutch on an equality with England in Portuguese trade. As a result, Charles sent to The Hague Sir George Downing—the last man to mediate peace between the Netherlands and anybody¹³⁴—and he was soon threatening Miranda with disavowal at Lisbon (where England now held the whiphand, thanks to the marriage alliance) if a treaty was made prejudicial to English interests. His sturdy championing of English rights soon overshadowed all pretense of mediation.¹³⁵ Miranda's treaty might have been wrecked completely had not Charles and Mello intervened—the latter urging Miranda to concede nothing to the Dutch contrary to English interests, because "Portugal at present . . . has

¹³³ Thurloe, VII. 801, 849, 852, 876 (letters from *The Hague*). P. Blok, *Netherlands* (London, 1898-1912), IV. 241; Lefèvre-Pontalis, *Jean de Witt*, I. 267.

¹³⁴ See, e.g., the characterization in J. Basnage, *Annales des Provinces-Unies* (La Haye, 1726), I. 633-634.

¹³⁵ See correspondence of Clarendon and Downing in Lister, III. 134-190; and the States' memorial to Charles II., August 4, 1661, in Boislisle, I. 63, and Basnage, I. 634-635; also Beresford, *Downing*, pp. 142, 156; Japikse, *De verwikkelingen tusschen de Republiek en Engeland, 1660-1665* (Leyden, 1900), p. 119; Boislisle, II. 139-140, n. (Wiequefort's letter, June 23).

nothing to look for save from England''. The treaty was finally signed on August 6 (N.S.),¹³⁶ without England's formal consent, but with a clause voiding any part of it which ran counter to England's treaty with Portugal.¹³⁷ While Charles accepted this as satisfactory, the opposition of the commercial provinces, which continued to profit by seizing Portuguese possessions in the east, and the further machinations of Downing in the interests of English trade, helped to delay ratification until December, 1662.¹³⁸

Increased Anglo-Dutch hostility is therefore not hard to understand. The Dutch were smarting under England's renewal of the Navigation Act as well as from pressure for damages at sea; and now England joined Holland's enemy and promised either to mediate a peace or help fight the war to an end. Downing's arrival foreshadowed war rather than mediation, and his conduct did more to prevent than to hasten the conclusion of the treaty. The Portuguese dowry was a matter of concern to the Dutch; for England at Bombay was as distasteful to them as an English Tangier was to Spain. Throughout the year, conditions were increasingly tense. From early spring it was rumored that both countries would send fleets to the Mediterranean; and by August both were there, ostensibly against pirates, actually against each other. Only the convenient proximity of the pirates to the other questions involved threw a cloak of decency over downright beligerent moves, while each protected the gold fleet of its ally against the other.

In September, the situation was particularly critical.¹³⁹ Sandwich arrived at Lisbon, September 6, was received by the

¹³⁶ The chief clause concerned the cession of Brazil to Portugal in return for 8,000,000 florins (Portugal had much money to *promise* this summer!), payable over sixteen years (Prestage, p. 225); Dumont, VI. pt. 2, 366-371; J. Tjassens, *Zee politie der Vereenigde Nederlanden* (The Hague, 1670), No. 54 (pp. 338-356).

¹³⁷ For Dutch printed documents on this negotiation, see Knuttel, *Catalogus*, Nos. 8515-8519; and Aitzema, *Saken van staat en Oorlogh* (The Hague, 1669-72), IV. 764-765.

¹³⁸ Foster, *Factories*, XI. 126.

¹³⁹ Corbett, II. 27; Tedder, pp. 83-85; Macray, No. 36, n.

royal family, beheld fêtes, the future queen of England, and a bull fight, but was all the time worried about Tangier. Spain was throwing troops into the Rock of Gibraltar, and diverting its plate fleet from Cadiz to Coruña so as to avoid Sandwich and at the same time free Ruyter for action. There was considerable possibility that Tangier might fall into the hands of the Spanish and Dutch before the English arrived. On September 20, Richard Fanshaw¹⁴⁰ came from England with orders centering around commercial war on the Dutch. Henry Mordaunt, earl of Peterborough, had been commissioned governor of Tangier, and a military force was being created to assist Sandwich in taking possession.¹⁴¹ Peterborough's instructions covered a multitude of possibilities connected with a general war. He was to occupy any place hostile to England, and if he could not gain entrance to Tangier, he was to return home only "if upon joint advice with Lord Sandwich you shall not agree upon some further design for our service". England obviously meant business, and one must admire not a little the efficiency that characterized the work of the admiralty and war offices during this crisis. It stands out in not a little contrast to 1666-1667.

At the close of September, with Fanshaw on hand to relieve Sandwich, but with Peterborough's reinforcements still in England and as yet partially non-existent, an alarm reached Lisbon that the feared Spanish-Dutch attack on Tangier was imminent. It was undoubtedly based on Ruyter's move from Cadiz to the Straits upon news (received October 2) of the

¹⁴⁰ Sir Richard Fanshaw was Latin secretary to the council, master of requests, and a Portuguese scholar of repute. Mello had nothing but praise for him (*Relação da Embaixada*, quoted by Prestage, p. 149). His two sets of instructions, both dated in August, concern chiefly commercial matters, but he was also to act in Sandwich's absence, and in general prepare the way for the execution of the treaty, the English ratification of which he bore with him (*Hist. MSS. Com., Heathcote MSS.*, pp. 20-22).

¹⁴¹ Two Dunkirk regiments and a new one enlisted with the usual difficulty. Two interesting letters of York to Peterborough, December 9, 20, 1661, are printed in [David Jones] *Life of James II* [3 ed. London, 1705], Supp., pp. 3-4.

safe arrival of the Spanish gold fleet at Coruña.¹⁴² Sandwich acted with dispatch. He now had seven ships,¹⁴³ besides some Portuguese vessels in which to bring back the Tangier garrison. He at once ordered Lawson to join him at Tangier, where he himself arrived October 10. The alarm had, however, been a false one. In the finality, neither Spain nor the Netherlands wanted or would risk a war with England. The safe arrival of both the Spanish and Portuguese plate fleets had eased a tense situation. Ruyter actually went after pirates in place of attacking Tangier, and when Lawson passed him at Malaga, all was friendliness between them.¹⁴⁴ For several weeks, Ruyter remained in and about the Straits: a constant threat to Sandwich and Lawson, now before Tangier—but nothing more; and when he finally retired to Port Mahon at the close of December to careen his fleet, the international crisis was past.

But the local situations at Lisbon and Tangier, even without foreign intervention, offered every opportunity for English bungling and failure.

There was a strong party at Lisbon opposed to the cession of Tangier. This article of the treaty had been concealed by the queen regent as long as possible.¹⁴⁵ The opposition centered about the young king, who was soon to be of age “and of a nature not like to comply long with his mother’s advice”,¹⁴⁶ and the Menezes family, deposed from the governorship of Tangier, which they had long regarded as a family heirloom.¹⁴⁷ The queen regent appeared to be signing away

¹⁴² Brandt, *Ruyter*, pp. 162-163.

¹⁴³ *Royal James, Mary, Montagu, Hampshire, Princesse* (which had brought Fanshaw), *Colchester*, and *Forester* (Harris, I. 204, n.; Kennett, p. 537).

¹⁴⁴ Brandt, *Ruyter*, p. 163.

¹⁴⁵ *Arquivo Historico Portugues*, VI. (Lisboa, 1908), 225.

¹⁴⁶ Clarendon, II. 160-161. He was to seize control in June, 1662 (I. Carte, *History of the Revolutions of Portugal* [London, 1740], p. 178); D’Abancourt, pp. 67-76.

¹⁴⁷ For the early history of Tangier, see Meakin’s works (*supra*, notes 107, 113) and E. de Amicis, *Morocco, Its People and Places* (London, 1882). For its rebellion in 1643 and later trials, see Castries, *loc. cit.*, pp. 596-608, especially the

important parts of the empire on the eve of her retirement. The opposition played upon the fact that ceding the Mediterranean gateway to heretics would not hasten papal recognition for Portugal. "The surrender of the place," wrote Fanshawe, "is as much overvalued in caballs here, as undervalued in England."¹⁴⁸ Clarendon intimated that the newly appointed governor, sent to Tangier by the queen expressly to effect the transfer, had been won over by the opposition.¹⁴⁹

However that may be, there is no doubt that a mere accident facilitated English occupation of the fortress.

The entire country round about Tangier was at that time controlled by Ghailand, a Moorish chieftain whose fastness was but a few miles from the city. On November 13, Sandwich wrote in his Journal:¹⁵⁰

Some 16 or 18 Moors (one of them being the Governor under Gayland [Ghailand] of this Province) came to the old Watch Tower to the interesting "Relation Anonyme de Soulèvement de Tanger, 24 August 1643," printed there from the Algerian Archives. Tangier had twice figured in negotiations with France. In 1643-1646 (Castries, pp. 609-612, from *Arch. des Affs. Etr., Port.*, II. ff. 189-192, III. f. 342; Prestage, p. 11), a Franco-Portuguese marriage, with Tangier as part of the dowry, was discussed in a vague, inconsequential manner that later led to a misunderstanding. In 1657, Cominges was sent to ask for Tangier in return for a French alliance (Castries, pp. 685-690, from *Arch. des Affs. Etr., Port.*, IV. ff. 43, 87, 91; Prestage, 63). Duquesne had examined Tangier in November, 1648, and found it of potential utility. Cominges made it appear that Tangier had previously been offered in return for an alliance regardless of marriage, although the latter subject had been more or less constantly mentioned (Prestage, pp. 48, 59, *et passim*). The Portuguese replied that it had never been offered except as a part of the dowry, and that that condition must still hold. This ended the negotiation. It is doubtful whether France ever seriously considered a Portuguese marriage, in spite of the large dowry in money offered (2,000,000 crusados: the same as was promised to England in 1661; Jones, p. 415, n., citing *As Saudades da Terra*, II. 279; Prestage, p. 64), but Mazarin was astute enough a statesman to encourage Portuguese hopes and to order two portraits of the infanta, Catherine (Prestage, pp. 48, 59). Mazarin's policy was to continue the war between Portugal and Spain, and not to end it achieving thereby an autonomous but weak, dependent Portugal (Prestage, p. 81).

¹⁴⁸ Quoted by Harris, I. 204.

¹⁴⁹ Clarendon, II, 161. This is to be doubted. See *e.g.*, Faria y Sousa, *Portugal* (London, 1698), p. 503. The Portuguese order for the surrender is in Biker. III. 1.

¹⁵⁰ Kennett, p. 560.

east of old Tangier, and made a Fire and Sign to speak with us. Whereupon two boats were sent manned with musqueteers, who had Conference with them, and were very civilly treated, the Moors expressing a Desire to have Trade and Commerce with us, but could not do it without Leave first from Gayland, to whom they said they would send for Licence.

It is very probable that Spanish gold and intrigue were busy in Ghailand's camp. The new Portuguese governor feared the Moors might capture the town before he could surrender it. It was an ugly situation.

Sandwich, however, very sensibly entered into correspondence with Ghailand, since he appeared to be the key to the problem, and their relations were proceeding pleasantly to the extent of the latter sending "ten oxen and twenty sheep for a Present and thirty oxen and fifty sheep more for to sell",¹⁵¹ when an ill-judged action on the part of the Portuguese garrison nearly wrecked the enterprise, and only by accident and good luck facilitated its easy accomplishment. On Sunday morning, January 12, 1662, one hundred and forty Portuguese horse made a sortie into the country for booty. They were returning with captured cattle, camels, horses, and thirty-five women and girls, when they were attacked by one hundred Moors six miles from town, and their leader and fifty-one others were slain.¹⁵² The governor was so frightened that he asked Sandwich for immediate assistance; and the English admiral was undoubtedly thankful for the opportunity he had been seeking. His journal reads:

Thursday, January 16. About eighty men out of my own Ship and the *Princess* went into Tangier into the lower Castle about four of the clock in the afternoon.¹⁵³

¹⁵¹ Sandwich's Journal, December 10, Kennett, p. 588.

¹⁵² Sandwich's Journal, *ibid.*, p. 617. Sandwich to Pepys, January $\frac{20}{30}$, 166 $\frac{1}{2}$ *Hist. MSS. Com., Hodgkin MSS.*, p. 157.

¹⁵³ Sandwich's Journal, Kennett, p. 617.

The next day he sent one hundred and twenty more under Sir Richard Stayner. Thus was Tangier occupied by the English; and when Peterborough arrived on January 29 with his fleet of twenty-seven sail and 3000 soldiers, there was nothing but the formality of receiving the city from the docile Luis de Almeida. On the thirtieth, Peterborough's regiment was landed, and marched through the town. The next day, Stayner reëmbarked his men, and Sandwich could soon pursue his business of bringing a queen to England. For several weeks he stayed in the vicinity, completing arrangements with Peterborough, supervising the departure of the Portuguese garrison, charting the town,¹⁵⁴ buying some property, securing tenants to look after the gardens, tossing about in a small boat while taking soundings in the harbor, and planning the great mole which he had long dreamed of constructing when it should be in English hands, and, all in all, being extremely happy and not a little proud over the successful conclusion of the business he had long hoped to accomplish.¹⁵⁵

Leaving Tangier on February 18, Sandwich arrived in the Tagus on March 1.¹⁵⁶ After elaborate preparatory formalities while at anchor opposite the monastery of Belem, he made his public entry into Lisbon on March 13. The next day he presented a charming letter from Charles II. to the young queen, who was reported to have been "Practesienge to go currantly in English shooes with hyghe heeles" all winter, and seemed anxious to depart.

¹⁵⁴ He sent Pepys "a little longe box which is a mappe of Tanger which you must be sure noebody opens nor sees, but with your owne hand deliver it to his Royal Highnesse." Sandwich to Pepys, January $\frac{20}{30}$, 166 $\frac{1}{2}$, *Hist. MSS. Com., Hodgkin MSS.*, p. 157.

¹⁵⁵ Sandwich's Journal, Kennett, p. 634.

¹⁵⁶ For the following account, see chiefly "Programma das formalidades, que se haviam de seguir no dia da despedida e embarque da senhora Infanta D. Catharina, Rainha de Inglaterra," in Santarem, XVII. 236-256; Sandwich to Charles II., March 27, 1662, in *Clar. St. Papers*, III. Supp. p. 20; and Sandwich's Journal, in Kennett, *loc. cit.*, *et passim*. Other accounts are in Harris, I. 209-213; Davidson, pp. 66-80; and Clarendon, II. 162-164.

But there was to be delay, and she had to wait weeks in patience. The dowry, which had been reported as awaiting the holds of Sandwich's ships, "all sealed up in bags . . . where nobody could take it to apply to any other use",¹⁵⁷ was not now available. Perhaps the statement of Mello had been false; or the money may have been drawn upon—as the queen regent tearfully asserted—to arm against a threatened Spanish invasion which was dispelled by Sandwich's arrival just in the nick of time.¹⁵⁸ At any rate, whatever the truth as to Portugal's financial status when making the treaty, only half the amount of money promised could now be paid. Sandwich discovered it on March 19 when he found bills of exchange on future cargoes figured in as part of the dowry, and he at once remonstrated against it "as being clearly besides the treaty, which expresses it to be in money, Jewels, Sugars, and other merchandise". His persuasions, however, could effect nothing; and after a period of embarrassing indecision and quandary, during which Catherine was cleverly utilized to appeal to the English sense of chivalry, he decided to make the best of it and trust to Charles's common sense to see that Portugal was doing its best, which may or may not have been the case. With Tangier in English hands, England happy and expectant, and a Spanish army waiting to pounce upon Portugal but for the English fleet, Sandwich realised how difficult it would be to break off relations. Catherine told him "*she* had overcome almost impossibilities to hasten her voyage"; with the implication that *he* might do something of the sort; and he did. She begged him to send for Lawson's ships to defend Lisbon after he should leave, and he did. Then she begged him to take her to England with his ships only half full of dowry; and he did. Preparations for the departure were prolonged, ceremonious, and formal: cathedral scenes in which Sandwich, a heretic, could always march along so far and no farther, and endless parades and leave-takings in which the

¹⁵⁷ *Supra*, note 61.

¹⁵⁸ Clarendon, II. 162.

royal family, according to instructions, carefully avoided weeping or making the least display of emotion: a thing considered beneath the dignity of Portuguese royalty.¹⁵⁹ They at last sailed on April 15. It was a rude shock for the poor young girl in many ways. She "scarcely ever was out of the Pallace door before". Likewise, her ladies—fifty of them¹⁶⁰—who, with the queen, were all soon desperately seasick. Pepys heard later from one of the passengers "how reclude the Queen hath ever been and all the voyage never came upon the deck, nor put her head out of her cabin".¹⁶¹

From the moment of her disembarkation on English soil at Portsmouth, May 14, Catherine of Braganza played no further significant rôle in English foreign relations. She obviously represents a pitiful human pawn in the transaction. The Anglo-Portuguese alliance was to endure, but for fundamental economic and political reasons already emphasized as its basis,¹⁶² and not because of any personal influence. Charles II. was to be—for him and his Bourbonic associates—not unkind to her; at least he would not listen to frequent suggestions of divorce because of her childlessness; but one can say little more. He soon forced Catherine to take his chief mistress, Barbara Villiers, as one of her maids of honor; and that was merely the beginning of her humiliations at the hands of the royal sultanas who crowd the reign.

The facts of England's aid to Portugal in the years that followed, until independence was recognized, call for little space here, and the later history as British possessions of Bombay and Tangier (lost in 1682) is outside our subject. After waiting some time,¹⁶³ England received the first quarter

¹⁵⁹ Dirk Stoop's seven engravings of these events (in Harris, *Montagu*, and Davidson, *Catherine*) preserve them in pictured detail.

¹⁶⁰ She brought with her a train of 250.

¹⁶¹ Pepys, May 24, 1662. Cf. Carte, *Ormond*, IV, 112.

¹⁶² *Supra*, p. 313.

¹⁶³ *E.g.*, letter of Battailier, November 28, 1661, in Arch d. Affs. Etr., Angl., 75, f. 250; and the correspondence of Clarendon, Bastide, and d'Etrades in *Clar. St. Papers*, III. Supp., pp. xii-xvii.

(200,000 écus) of the French pledge in the middle of February, 1662, and at once paid out about half of it for transporting and supplying 1200 horse and 1100 foot.¹⁶⁴ It is not certain whether all the forces promised by the treaty were ever sent. But it appears certain that the other installments of the French pledge were not sent—at least *via* England. On January 19, 1663, Clarendon sent a memoir to Cominges, the French ambassador, remonstrating against the non-payment of the later six-months' instalments, in spite of promises made to Richard Bellings in Paris and by d'Estrades in London,¹⁶⁵ and protesting further still against Letellier's note to Ralph Montagu, English agent,

that upon his majesty's receipt of so much money for Dunkirk, he would be sufficiently enabled to relieve Portugal.

In the negotiations relating to Dunkirk, "all care was taken," said Clarendon,

to remove any possible imagination that any part of the money which should be received from Dunkirk could be applied towards the relief of Portugal.¹⁶⁶

The memoir, apparently, was resultless, but Portugal received further help from France, direct, if not *via* England. The change was probably made at the request of the Portuguese, who feared that all the money would not get through England.¹⁶⁷ Again using the convenient mediation of Turenne, Ferreira Rebello in 1663 secured the promise of both French men and money,¹⁶⁸ which promises were executed the next

¹⁶⁴ *Cal. St. Ps., Dom. 1661-62*, p. 269; Macray, Nos. 54, 56, 60, 62, 63; *Lettres, Memoirs et Negociations de M. le Comte d'Estrades* [London, 1743], I. 228, 236, 248, 249-250. While negotiating for Dunkirk on August 28, 1662, Clarendon reminded d'Estrades that the entire amount promised in connection with Portugal was now due (*Clar. St. Papers*, III. Supp., p. xxiii).

¹⁶⁵ *Cf.* Mignet, I. 88.

¹⁶⁶ *Pub. Rec. Off., St. Ps. For., Fr.*, 117, ff. 16-21; *Arch. des Affs. Etr., Angl.*, 79, ff. 47-50. The former is printed in Lister, III. 513-517.

¹⁶⁷ Prestage, p. 81. *Cf. Recueil des Instructions . . . Portugal*, p. 93.

¹⁶⁸ Prestage, p. 8.

year.¹⁶⁹ But before the arrival of this aid, the battle of Ameixial (June 8, 1663), in which Schomberg¹⁷⁰ and the English force played an important rôle, turned the tide in Portuguese favor;¹⁷¹ and during the next two years, with increasing Spanish decrepitude, the battles of Castello Rodrigo and Montes Claros brought the war to a close.¹⁷² The English and French expeditionary forces had rendered worthy assistance, but first credit for the outcome should go to a really great Portuguese statesman, Conde de Castelmellor.¹⁷³

On the eve of the war of Devolution—a breach of the peace of the Pyrenees—Louis XIV. felt free to ally himself with Portugal;¹⁷⁴ and on February 13, 1668, Spain recognized Portuguese independence, thus bringing to a close twenty-seven years of intermittent warfare.¹⁷⁵ Incidentally, by this treaty wherein Portugal abandoned Louis XIV. just when the Triple Alliance was giving his ambitions pause, the little peninsular state secured some revenge for Mazarin's desertion at the Peace of the Pyrenees.

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¹⁶⁹ R. Fanshaw, *Memoires* (London, 1701); pp. 66, 110; Pub. Rec. Off., St. Ps. For., Fr., 118, f. 174. These negotiations were lubricated by the possibility of a marriage between the young king of Portugal, Alphonso VI., and Mlle. de Nemours. See Prestage, pp. 83, 86, *et passim*; Pub. Rec. Off., St. Ps., For., Fr., 118, ff. 117, 219.

¹⁷⁰ The English force was at first under the command of Lord Inchiquin, but was later turned over to Schomberg (Vertot, p. 44).

¹⁷¹ *A Relation of the great success the King of Portugal's army had upon the Spaniards* (London, 1663); Schäfer, IV. 651; J. MacPherson, *History* (London, 1775), I. 62; Prestage, p. 84; H. Morse Stephens, *Portugal* (London, 1891), p. 331.

¹⁷² Vertot, p. 44; Carte, *Revolutions*, p. 174. The fullest account is in D'Ablancourt, p. 161 *et passim*.

¹⁷³ Prestage, p. 88.

¹⁷⁴ March 31, 1667 (Mignet, I. 542-543). For the treaty, see D'Ablancourt, pp. 206-216; F. Léonard, *Recueil des Traitez de Paix* (Paris, 1693) IV.; Santarem, IV. pt. 2, pp. 594-600.

¹⁷⁵ For the treaty, see D'Ablancourt, pp. 241-253; and *Coleccion de los Tratados de Paz* (Madrid, 1740-52), Charles II, pt. 1, pp. 292-313.

BOOK REVIEWS

The Origins of the Paraguayan War. By PELHAM HORTON BOX, Ph.D. (Urbana: University of Illinois. Parts No. 3 and 4, pp. 420-765 of Vol. XV of the University of Illinois "Studies in the Social Sciences." 1927. Pp. 1-178; 179-345. Maps. Price \$2.00 for each part.)

This is a study of the devious and tangled diplomacy involved in the relations between Paraguay, Uruguay, Argentina, and Brazil during the quarter century preceding the devastating Paraguayan War. The chapter headings indicate the main subjects considered: I. Paraguay and her Neighbors, 1810-1853; II. The Paraguayan-Brazilian Boundary Question; III. The Paraguayan-Argentine Boundary Question; IV. Mitre, Flores, and the Blancos; V. Blancos, Colorados, and Brazil; VI. Blanco Diplomacy in Paraguay; VII. Francisco Solano López and the Breaking of the Storm; VIII. The Catastrophe; IX. Conclusion. An appendix includes a note on Andrés Lamas and the Protocol of October 30, 1863, and an interesting despatch from Edward Thornton to Lord Russell on the condition of Paraguay in 1864. There is a good index. Five maps, four of which are reproductions from other works, help illumine the narrative. The bibliography—which the author states contains many works not used by him in the study but included because of the obscurity of the subject—is extensive and valuable. Most of the book is based upon original sources, chiefly manuscript materials in the State Department at Washington and the Public Record Office in London, and such printed Hispanic American collections as the *Archivo Mitre*, *Guerra* and the *Correspondência e documentos relativos a missão . . . Saraiva*. The book is well written, but the frequent repetition of certain words and expressions, especially "great", as, "the great Brazilian" (p. 227) and "the measure of" (p. 272) becomes somewhat wearisome.

Virtually all of the main facts presented are already known to students of Hispanic-American history, but much additional light is thrown upon them by means of an abundance of new details; and new emphasis is the result. The great and repeated efforts of the Uruguayan Blancos to get from Paraguay aid in maintaining themselves

in power are made very apparent; also the zealous labors made in behalf of peace by the British diplomatic agents at Buenos Aires and Montevideo. The evidence presented gives some ground for the belief that Venancio Flores, the Colorado president of Uruguay, was responsible for the guaranty of Paraguayan independence included in the treaty forming the Triple Alliance against Paraguay. Basis is likewise given for the view that Brazil was less greedy for Paraguayan soil than was Argentina. Two of the major characters in the diplomatic tragedy stand out strongly because of their devotion to high principles in connection with problems presented to them: Andrés Bamas, who struggled with true patriotism to save his country from threatened disasters, and José Antonio Saraiva, the Brazilian minister to Uruguay, who liberally interpreted his drastic instructions in the interest of peace and justice. That Carlos Antonio López was a "typically provincial Paraguayan . . . the victim and defender of a tradition", Dr. Box makes clear by the facts connected with the dictator's foreign policy. He also strongly supports the commonly accepted view that Francisco Solano López was vain, ambitious, brutal, and politically and diplomatically inept. In view of the detailed discussion of Brazilian-Uruguayan relations, it is somewhat disappointing that no consideration is given to the treaty of loans and treaty of limits signed between the two countries in October, 1851.

The study on *The Origins of the Paraguayan War* is a valuable one and is a welcome addition to the earlier scholarly monographs on Hispanic American history.

MARY WILHELMINE WILLIAMS.

Goucher College.

Political Handbook of the World; Parliaments, Parties, and Press, as of January 1, 1930. Edited by WALTER H. MALLORY. (New Haven: Published by Yale University Press, for the Council on Foreign Relations. '1930. Pp. V, 198. Price, \$2.50.)

The information given by the editor in the foreword of this *Handbook* is welcome news—that because of the widespread demand for the work it has been decided to revise and reissue it annually. The volume for 1930 is the first comprehensive survey made of the parliaments, parties, and press of the world. Sixty-four nations are given space, among them the twenty of Hispanic America. For each country the following information is presented: the name of the capital; the

area and population of the country; the name of the ruler or president, and, if his office is elective, his political affiliations and the length of his term; the party alignment of the cabinet and of the premier, or other similar officer, and his name; the presiding officer and political composition of the legislative body; the names of party leaders and the main facts regarding party programs; the leading newspapers and periodical publications of the various countries, their party affiliations, and the names of their proprietors or editors. The aim in selecting the newspapers has been to list those most apt to be quoted abroad. *Time*, the weekly news magazine, is omitted from the list of weeklies given for the United States, but all other well known weeklies are included.

That the *Handbook* is very useful is obvious. It is also interesting, particularly the sixty-four sections dealing with political parties. One may learn, for instance that the dominant political element in Liberia is the True Whigs, who control most of the newspapers of the land, and that the opposition is organized into the People's Party. The number of parties and factions found in some of the new countries place France quite in the shade. Twenty-three are listed for the lower chamber of Poland's parliament, which includes four hundred and forty-four members; and the one hundred delegates in little Latvia's unicameral parliament are divided into twenty-six different political groups, twenty-four of them having six members each or less. Four of the groups are furnished by the eastern province of the country, Latgallia.

Chile has six different political parties, or factions, the largest number mentioned for any Hispanic American country. The most extensive consideration of Hispanic American parties is that devoted to Argentina, the section on the Socialists being especially detailed. In view of the recent developments in Haiti, it is of special interest to learn that when the *Handbook* went to press two of the thirteen Haitian newspapers listed were non-partisan, five were for the president, and six were anti-Borno.

The *Handbook* is very free from typographical and other errors. It is printed on superior paper and is durably and artistically bound.

MARY WILHELMINE WILLIAMS.

Goucher College.

Bolívar, the Liberator. By MICHEL VAUCHAIRE (translated from the French by Margaret Reed). (New York: Houghton Mifflin, 1929. Pp. xi, 205. \$3.00.)

Bolívar, the Passionate Warrior. By T. R. YBARRA. (New York, Ives Washburn, 1929. Pp. xii, 365. \$4.00.)

Simón Bolívar, South American Liberator. By HILDEGARDE ANGELL. (New York: W. W. Norton, 1930. Pp. x, 296. \$3.00.)

These three volumes are reminders of the hundredth anniversary of Bolívar's death. The first of them is unreliable. Mere traditions are presented as established facts, Bolívar is represented as flawless, the attitude of the United States toward the Panama Congress is misrepresented, and there are no citations to authorities and no bibliography. As entertaining reading the work is good; as history it is in the main untrustworthy.

Ybarra's volume is much better. The style is lively and intriguing, the numerous illustrations are valuable, the brief bibliography is chosen with discrimination, the author is sane and fair, but there is no index. On the whole, the work is reliable, notwithstanding numerous minor errors, of which space permits the mention of only four: Bolívar is represented as refusing to witness the crowning of Napoleon as emperor; the author says that Miranda and Bolívar returned to Venezuela on the same boat in 1810; Miranda is said to have fought in the American revolution under Rochambeau; and Bolívar is represented as being opposed to the presence of an English agent at the Congress of Panama!

Miss Angell's volume is the best biography of Bolívar which has appeared in the English language, and probably the best brief biography in any language. The style is excellent, the facts trustworthy and chosen with splendid discrimination, and the bibliography very satisfactory. More detailed maps of Bolívar's campaigns would have been a welcome addition and the reader will regret the absence of illustrations, for these is only a single portrait of the Liberator.

With the works of Ybarra, Angell, and Petrie¹ available, readers in the United States will no longer have any excuse for ignorance of the main events in the career of this remarkable man. They should now become familiar to every schoolboy. When shall we be able to say the same of the careers of Morelos, Sucre, and San Martín?

¹ F. Loraine Petrie, *Simón Bolívar*, London, John Lane, 1910.

The reading public will find a comparison of Angell and Ybarra an instructive and interesting exercise. The authors have chosen virtually the same series of events—those leading to the rise and fall of the hero: the vow, the early failures, the decisive battles, the attempts to organize the new states, the tragic administrative failure and death of Bolívar. Ybarra is more vivid; Angell is somewhat more reliable; both are virtually impartial, although both portraits are somewhat flattering to the original.

J. FRED RIPPY.

Duke University.

Retrato do Brasil: Ensaio sobre a Tristeza Brasileira. By PAULO PRADO. (São Paulo: Duprat-Mayença, 1929. Pp. 216.)

This essay is an effective antidote to the conventional explanation of the development of Brazil. It is free of the inane optimism of the handbook. Senhor Prado does not boast about romantic mountains and palm trees, glamorous avenues, and the oratory of statesmen. Moreover, he does not confuse the reader with details of provincial and dynastic history in the manner of the writers of textbooks of Brazilian history. He is very critical. Possessed of a moving style and the experience of extensive research in the history of the state of São Paulo, he presents the history of his country in a series of portraits. Following the suggestion of Martius, he feels that Brazil can best be understood by placing emphasis on such social factors as European heritage, racial characteristics, geography, and cultural inspirations. His sources of information are the available studies of Brazilian history and the narratives of chroniclers and travelers.

According to the unhappy findings of the author, the basic motives of Brazilian development have been lascivity and greed. Out of them grew a decadent and miserable society. At the end of the eighteenth century romanticism gave fresh inspiration to the national life, but it has been a false light responsible for much that is grotesque and extravagant.

The pioneers, although springing from the mystical and frugal race of Prince Henry the Navigator, were seduced by the charms of a new land and people. "The climate, free men in the wilderness and the sensual Indian," says Senhor Prado,

were circumstances which encouraged and multiplied contacts of pure animality. The eden-like impression which the newly-arrived got from the landscape was stimulated by the absolutely nude indigenous women.

Added to this were the seductions of the Negress. The result was a picturesque mestizo society given to ostentatious luxury, misery, and all known sexual vices.

The second obsession of the colonists was the desire to gain fortune without labor. Slavery became an established institution. The stories of Cuzco and Potosí stimulated an agonizing hunt for treasure. When the mines of Geraes were at last discovered, a mad frenzy took possession of the Brazilian people. A few were enriched, the court of Lisbon enjoyed an illusory prosperity, and then came an aftermath of poverty and anarchy.

The heritage of lasciviousness and greed was decay. In forceful language, the author asserts:

Out of the fight over these appetites—in the absence of any ideal of religion or beauty, or any political, intellectual, or artistic preoccupation—was created, in the course of centuries, an unhappy race. . . . The melancholy born of venereal diseases and the obsession over riches—the absorption without finality in these insatiable passions—is the fundamental characteristic of the national psychology.

Cities developed which were apparently beautiful but which were actually dominated by the odors of a sick civilization.

The nineteenth century brought an influence as corrupting as lust and gold. Romanticism was then imported. Europe produced Rousseau, Byron, and Hugo; Brazilians have considered it their duty to imitate these "moon-struck" geniuses. José Joaquim da Maia, the initiator of revolution, and Dom Pedro I., the consummator of revolution, were romanticists. The leader of a revolutionary society took the name of Montezuma, and the emperor that of Guartimozim. A constitution divorced from actuality was devised. In an age of *real-politik*, Brazilian politicians talked like contemporary European novelists. Said a famous orator:

On our country, on the solitary stones of its valleys, on the gigantic trees of its mountains, on the wild tops of its sierras, on the land, on the sky, on the waters, through all, God stamped the eternal instinct of creative liberty on the face of nature before engraving it on the consciousness of man.

Societies were formed in the law school of São Paulo to practice the extravagances of Lord Byron. The national literature was dominated

by a romantic melancholy; poets, obsessed with love and death, died young.

This book may be regarded as merely another one of the pessimistic interpretations which of late have become fashionable among an advanced school of Brazilian writers. "These words," says Prado, will certainly not be understood. For some they will be pure rhetoric; for others they will be a mere political maneuver under the guise of a philosophical dissertation.

Nevertheless, the author shows a brilliant understanding of his country, and his impressions seem more convincing than the books which present Brazil as an ideal land.

FRANCIS B. SIMKINS.

Edgefield, South Carolina.

Geografía y Política. Veinticinco lecciones de Historia Naturalista.

By GONZALO DE REPARAZ. (Barcelona: Editorial Mentora, S. A., 1929. Pp. 277. 5 pesetas.)

The author complains that history has generally been written and taught by separating the universe, that is, the physical world from man and treating them largely as two distinct creations. While *homo sapiens* is admittedly the highest expression of life he is merely a part of nature and subject to the same laws as any other form of life. It is the author's purpose, then, to show that through his physical environment geographical factors have a deciding influence upon human society and hence upon the history of man and, finally, upon politics. Peoples rise and progress in proportion to the extent that they conform to the laws imposed upon them by geographical limitations and they fail in accordance with their ignorance of, or perverse opposition to, those physiographic conditions which determine their proper destiny. To illustrate this theory, which is by no means as novel as the author would have us believe, he dwells particularly upon the cases of Spain and Russia finding some interesting parallels and sharp contrasts between these two regions. Russia, through its gradual but natural obedience to the inexorable commands of its environment, is expanding today while Spain, because of a rapid but artificial development, has steadily lost ground until it has little left of its once great possessions.

Both Russia and Spain are on the threshold of two continents, one facing Asia, the other Africa. While Russia exists on a vaster scale, Spain has similar extremes of climate due to arid plains and high plateaus. Both regions have experienced numerous invasions by nomadic peoples; the Mongols swept into Russia from Asia and the Arabs into Spain from Africa, both intruders establishing states which endured for centuries.

The contrasts are more apparent and do not require a lengthy discussion. The relatively limited coastline of Russia and the vast hinterland of plains clearly indicated that its destiny was continental expansion; that of Spain, on the contrary, due to its peninsularity, was largely maritime. Which has worked out its providential mission in accordance with the dictates of nature?

The Russian revolution, which the author likens to a great glacier slowly pushing forward, is an inevitable result of geographical conditions, a natural response to environmental influences which the czarist régime perversely sought to oppose until it was too late. They clung too tenaciously to the policy of facing westward with an outlet upon the sea. The wisdom of Soviet Russia—and for this revolutionary government Sr. Raparaz has an undisguised admiration—in turning its back upon Europe and facing eastward—a tendency which the removal of the capital to Moscow clearly shows—is warmly applauded as conforming to natural destiny. The formation of a federation of Soviet republics is another policy designed to further the attainment of a great, united geographical whole which, the author feels, ultimately will be accomplished.

Spain, as a great peninsula, shut off from the rest of the continent by a barrier of mountains, was likewise intended by an omniscient power to look away from Europe toward the sea and also into North Africa where unmistakable affinities of the Berbers with the Iberians—the true Spaniards—are apparent. Among these people of the northern littoral of Africa there exists a communism, somewhat idealized by the author, such as prevailed among the primitive inhabitants of the Peninsula before the arrival of the conquering and despoiling Romans. It may be pertinent to inquire here, parenthetically, how much does the author—or anyone—really know about this early society which he venerates so highly. Is not his knowledge—and ours—of the Iberians, their life and habits, largely derived from the classic writers of those invaders for whom he professes so much contempt?

The independent, pastoral communism of the ancient Iberians was finally extirpated by these Romans with their imperialistic ideas which became the bane of later Spain, the author believes; and his denunciations of the Greek and Latin heritage of the Peninsula, which perverted the simple virtues of his Arcadian Iberians, are stinging. "Must western Europe renounce its classics?" he asks in concluding his work.

Let it renounce them, then. The sooner the better. Is its social organization—its capitalism, urbanism, materialism, militarism, and aggressive patriotism likewise inherited from the classics—in grave danger? What shall we do with it if, with these, the danger is complete and irremediable?

The servile imitation of later Spain to the models of Greece and Rome in government and institutions made its rulers blind to the laws of nature and the "manifest destiny" of the Peninsula—North Africa and the sea. They persisted in ignoring the lesson that nature set before them and, pursuing the will-o'-the-wisp of a European imperialism in imitation of classical models, they turned Spain's back upon its real destiny and expended its strength in profitless continental wars. Through this same disobedience to natural law the Peninsula never achieved effective union as a geographical unit. Spain has ever remained *Las Españas*, roughly three Spains, a Mediterranean-minded Catalonia, a land-minded Castille, and an ocean-minded Portugal; the great maritime power that might have belonged to the Peninsula, through this lack of unity and realization of destiny, passed into the hands of the clearer-visioned Anglo-Saxon and the break up of a vast ultramarine empire soon followed. Today that section of the Peninsula which was most faithful to its divinely appointed mission—Portugal—retains far more of its former holdings. The latter, including its present-day possessions, totals 2,522,072 square kilometers while Spain has a bare 800,000. As a tiny maritime nation Portugal outwitted the dull, land-minded Castilians in the treaty of Tordesillas enabling itself to control an area in the western hemisphere nearly as great as the rest of Spanish America put together—Brazil. Thus Spain has failed dismally through a perverse opposition to natural laws while Russia is steadily gaining through a wise obedience to them.

The last four "lessons"—one resents, somehow, having these ideas presented with a pedagogic dogmatism which these captions suggest—

discuss another illustration of the author's theme. His scene shifts abruptly to Chile and the Balmaceda revolution. The whole course of events is traced in an excellent sketch beginning with a brief treatment of the peculiar geographical configuration of Chile. The fleeing of the officers of the senate and the assembly to the fleet was the deciding factor in bringing about the downfall of the dictatorship. In a country with a coastline as vast as that of Chile the control of the sea was bound to make the outcome inevitable and reasonably prompt.

Throughout this book it is evident that the author has strong convictions on the subject of which he treats. The work is often stimulating and there are many interesting pages in it but its main thesis, as already stated, is not particularly new. There is an abundant literature on the subject in existence and studies in social institutions carried on in the universities of this country and abroad have been examining and investigating the influence of environmental factors on human history for some time. There is a tendency in this book to over-emphasize the effect of broad physiographic features of the *milieu* in which a race or a people happens to be placed. After all, what has really affected the course of human history is the possession by one branch of the human family of certain goods or natural resources desired by others. The latter have sought to obtain these things from the possessors by barter or by force thus giving rise to the movements of tribes and peoples, their migrations, the resultant trade and warfare and the many other incidents that go to make up the history of the human race. Climate and topography have played their parts but human acquisitiveness explains much more.

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Spanish Documents concerning English Voyages to the Caribbean, 1527-1568. Selected from the Archives of the Indies at Seville, by I. A. WRIGHT, B.A., F.R.H.S. (London: Printed for the Hakluyt Society, 1929. Pp. x, 167. Facsimiles. Maps. Index.)

Miss Wright is well known to Hispanic American audiences, both because of her assistance to historical students of three continents who have used the manuscripts of the Archivo General de Indias and because of her own published researches. Consequently, any book, or other publication by her must command respect and attention. While

making researches in quite another direction, Miss Wright came upon a considerable body of documents relating to the English in the Indies; and with thrifty foresight stopped at that time long enough to make some notes on them and to photostat the most important of the documents. The twenty-nine documents of this volume are part of that treasure trove. She says quite aptly: "We have in this book, I think, a set of documents for which Richard Hakluyt would have travelled far indeed." In fact, like G. R. G. Conway's *An Englishman and the Mexican Inquisition*, the present documents supplement, in a remarkable manner, those of the Hakluyt Collection that refer to early English efforts in the Indies. Here, as in Conway's volume, we have the Spanish reaction to English advances.

In her introduction (pp. 1-26), Miss Wright shows clearly that the motive for the early English invasions of the Spanish colonies in the Indies lay in the hope of trade and material gain rather than in conquest. The documents themselves are an important chapter in the history of the slave trade. The English, who were at the threshold of their wonderful overseas expansion, first invaded Spanish sanctity in the Indies in 1527, and it is with this first invasion that the volume opens. However, the Spaniards themselves were not yet deeply enough rooted in the new world to think of themselves as an entity, and they received the newcomers coldly and even hostilely. It was quite different, however, with the later attempts under Hawkins, the slaver, and it is to these attempts (1563-1566) that most of the documents relate. There was now manifest among the colonists a disposition to consider their own interests first and Spain was far away; and this feeling was shared in by the officials. The national sentiment later was to regain its predominance, or perhaps it may be that the officials were more uniformly peninsulars and not colonists.

Considerable new evidence, which emphasizes previous knowledge of Hawkins and his expeditions into American waters, is brought out in these documents. The Spanish planters had need of his cargo of "black ivory" for the working of their plantations, and, with the connivance of the officials, were willing to go to any length to buy from him. The statements of the officials, indeed (and Miss Wright remarks sagely in her introduction—p. 11—that "none is an honest statement of facts"), show how they tried to cover up their tracks and make it appear that they lent no support to Hawkins's preten-

sions. That his advent in the Indies was regarded by the planters as a godsend needs no thesis.

The documents themselves consist of depositions, royal cédulas, letters, trade licenses, and other notarial statements. Of unusual interest are the petition of Hawkins, of April 16, 1565, for permission to sell his negroes, and his license to trade of May 21, 1565; but all the documents are of value. Parenthetically, it will be remembered that it was on this expedition that Hawkins called at and relieved the French settlement under Laudonnière in Florida just prior to the massacre by Pedro Menéndez de Avilés.

The volume has an indifferent index and the method of giving both page and folio numbers to the original in some documents is confusing. The translations of the documents appear to have been excellently made. In translating, Miss Wright has apparently taken the liberty to break up the Spanish originals into paragraph form. One may judge of the way in which the work has been done by comparing the facsimile of document No. 18 (a letter from Miguel de Castellanos to the crown, of January 1, 1568) with the translation. A Homems map of 1568, on which much of the Caribbean region is laid down, is in part reproduced. Miss Wright might well have included a list of the documents in Seville bearing on Hawkins and not reproduced in this volume. As a whole the documents have been well edited and will be found useful. No future work can be written on the Hawkins expeditions or on allied matters without making use of this volume. It might not be out of place here to note that the translations in the later volumes brought out by the Hakluyt Society are in general in every way superior to those of the earlier volumes.

JAMES ALEXANDER ROBERTSON.

Ensayo gramatical del Dialecto de los Indios Guaraínos. Compiled by REV. FATHER BONIFACIO MARIA DE OLEA, O.M.C. (Caracas: Emp. Gutenberg, 1928. Pp. xiii, 427. Paper. Folding Map.)

The compiler of this volume is a Capuchin missionary in the Caroni River district of Venezuela, and he compiled this grammar principally for his own use during the three years he spent among the Indians speaking this dialect. The present mission dates from an order of February 22, 1922, by President Gómez. The former mission in this region was established by Capuchins from Catalonia in 1724

and lasted until May 7, 1817. All previous mission attempts in that region had failed because of the lack of subsistence, as we are told in Father Olea's introduction. The Capuchins, in order to correct that condition, developed the region economically, founding during the early period twenty-nine villages, impounding waters, creating factories, and developing various industries. The old mission was bounded on the north by the Orinoco, on the east by the sea, on the south by British Guiana and Brazil, and on the west by the Caroní River. The present mission district is bounded on the north by the Orinoco, between the ports of San Félix and the federal boundary of the Amacuro Delta, on the east by the boundary line between Venezuela and British Guiana, on the south by the boundary between Venezuela and Brazil as far as the source of the Paragua River, in the Sierra Paracaimo, and on the west by the Paragua River to its junction with the Caroní. The Guaraúños or Guaraos, whose habitats extend along the shores of the Barima, Amacuro, Arature, Aguirre, and other rivers of the delta of the Orinoco, are remote descendants of the Caribs. They are a wandering tribe who live in small groups, and the total number speaking this dialect reaches some seven or eight thousand. The dialect is understood, however, by many other Indians who inhabit the nearby districts. The present volume is the first to be compiled on this language and was worked out under the various difficulties that one would expect in the study of a language, the users of which talk rapidly and clip their words. The structure of the language is shown and many words with Spanish equivalents are given. The work will be especially useful to ethnologists.

JAMES ALEXANDER ROBERTSON.

Cruising around the World and the Seven Seas. By STANTON DAVIS KIRKHAM. (New York and London: G. P. Putnam's Sons, 1927. Pp. xx, 316.)

Only a portion of this half-way diary of travel in many seas and in many countries touches Hispanic America. Indeed, of the five essays, part of the first "After Thirty Years", all the fourth, "Through the Straits of Magellan", and part of the fifth, "From the Cape to Cairo", relate to the islands and mainlands of those other "Americas". The first essay named above is a reminiscent sketch of a trip around the world. "In the Boat of the Sun", "The Open Road", and "From

the Cape to Cairo" have to do respectively with Egypt, Tunis and the Arab country, and a hurried trip from New York down through the West Indies and south as far as Buenos Aires and thence around the Cape of Good Hope to New York. The essay "Through the Straits of Magellan" is really misnamed, for the journey here described was around all of South America beginning at Havana, passing through the Panama Canal, sailing down along the west coast, and back to New York along the east coast of South America and about various islands.

The entire book is written in a racy, chatty style, with no dull moments, and is filled with suggestion. Indeed, the volume is just such an one as might arise from a journal assiduously kept while en route, dressed up a bit perhaps when the journey's end had come. A few pages of the first essay treat of Mexico and are mostly retrospect, for the author had lived in that country during the Díaz régime when it was ruled with the iron fist. A few errors have been noted, for instance, that the Manila galleon ported at Manzanillo, Mexico, instead of at Acapulco. There are a few obvious misprints. But the book as a whole is filled with color, and moves rapidly. Nowhere is the power of the author for vivid description seen to better advantage than in the narrative of the trip around South America, in which with a few words he suggests the past history of these lands. There is no sustained or lengthy description or reflection on any one point, for the author proceeds rapidly from one place to another and writes as the spirit dictates, giving vivid passages about Panama, Lima, Valparaiso, the straits, Buenos Aires, Rio de Janeiro, and other points, as well as of the people along the coasts of the mainlands and in the islands of the West Indies.

NOTES AND COMMENT

LA ACCIÓN PANAMERICANISTA DE *LA PRENSA* DE BUENOS AIRES

Mientras en el Mundo Viejo el cielo se entenebrece cada vez más y los graves problemas que lo afectan se complican y se acrecientan alejándose su solución, en América las cosas ofrecen distinto cariz; el horizonte se aclara y, a poco que se ahonde, fácil es comprender que sólo un problema capital se nos presenta para su solución y que de él dependen y derivan, más o menos directamente, todos los demás. Ese problema de resolución relativamente fácil, si se tiene un poco de buena fé y firme voluntad, estriba en el mútuo conocimiento de los pueblos que integran el hemisferio occidental. Conocerse, conocerse bien, es todo el secreto de la felicidad y el porvenir de la América.

Decir que los pueblos americanos se conocen poco, es faltar a la verdad; decir que casi no se conocen, es acercarse mucho a ella. Ese distanciamiento, de consecuencias tan graves, es un mal que viene de lejos y nada se ha hecho por remediarlo. El sistema colonial era contrario a las relaciones en general entre los países conquistados, y en lo que se refiere a las comerciales, bien sabido es que en vez de favorecerlas, las obstaculizaba. Predominaba un fatal aislamiento entre las colonias. Tres siglos corrieron sin que se crearan vínculos entre pueblos que debían, en lo futuro, realizar los mismos destinos y cumplir análoga misión. Iniciados los movimientos de independencia, la fuerza poderosa de intereses crudos, obligó a las naciones hispano-americanas a obrar conjuntamente, a prestarse ayuda mútua para consumir el objetivo que perseguían. Un gran sentimiento de solidaridad y de fraternidad predominó en aquellas horas de prueba. Desgraciadamente como producto esporádico, como fruto de las circunstancias, una vez llenados sus fines, tal sentimiento perdió su intensidad y acabó por debilitarse y casi extinguirse.

Entre tanto los Estados Unidos vigorosamente venidos a la vida, se desenvolvían en toda su plenitud y despertaban, como es natural, la admiración de sus vecinos del Sur, pero sin que sus relaciones fuesen muy estrechas. Los pueblos hispanoamericanos miraban casi exclusivamente hacia Europa. Tres corrientes poderosas les arrastraban en

ese rumbo. La lengua y los lazos coloniales, no rotos con la emancipación, los llevaban a España; las ideas propagadas durante los días de la independencia, que no eran otras que las de la revolución francesa, y con ellas las corrientes literarias, implicaban una gran atracción a Francia; los empréstitos adquiridos en Inglaterra, y que tanto favorecieron la causa de la liberación, constituían el acercamiento económico con la Gran Bretaña. Las relaciones emanadas de esas tres fuentes, se cultivaban separadamente por parte de cada una de las naciones hispanoamericanas, con detrimento de las relaciones entre sí, que no existían ni se procuraba que existieran.

Ese aislamiento en la vida continental hubiera sido menos grave y más subsanable a no haber surgido rozamientos y dificultades entre pueblo y pueblo, que hacían poco menos que imposible todo acercamiento. Las ambiciones políticas y las disputas de fronteras han mantenido, por largo tiempo, a las naciones hispanoamericanas en un estado de tensión constante y de desacuerdo altamente perjudicial para su vida individual y colectiva. Bajo el influjo de un estado constante de acritud, para reconocer las virtudes se han puesto vallas, y para dar relieve a los defectos se han tendido puentes.

Afortunadamente los problemas de límites se han ido solucionando y las reyertas políticas se han suavizado o desaparecido. Queda, sin embargo, en pie el desconocimiento, si bien con menos obstáculos para ser dominado. Un poco de amplitud de criterio y una dosis regular de tolerancia, han de ser los principales factores que decidan del encauzamiento favorable de las relaciones americanas.

Para que esos dos factores tan importantes cumplan su cometido y accionen con verdadera eficacia, precisa estudiar bien en que estriban las diferencias y la manera de resolverlas satisfactoriamente. Dos son las grandes cuestiones que se ofrecen para el estudio. La una atañe a los pueblos hispanoamericanos entre sí y puede considerarse como asunto de familia. La otra se refiere a esos mismos pueblos y a sus relaciones con los Estados Unidos. En el primer caso lo que priva, como queda dicho, es el desconocimiento; en el segundo la incompreensión. Entre los pueblos hermanos por lengua y raza, existe una casi absoluta ignorancia de su vida intelectual, política y social. Tan grave falta se advierte no solo entre los países separados por largas distancias, sino aún en aquellos divididos por simples fronteras. Falta interés por estudiarse y conocerse. Es más, y preciso es confesarlo aunque sea doloroso, existe una indiferencia casi desdeñosa, en cierto

sentido, y que viene a resultar una debilidad peligrosa para los mismos países que la sienten. Respeto a las relaciones entre esos pueblos y los Estados Unidos, sin entrar en las modalidades psicológicas, de origen racial o educativo, estudio que reclamaría extensión y profundidad, lo que constituye el mayor escollo, es la suspicacia que ha nacido por ambas partes y que no tiene razón de ser ni en los unos ni en los otros. Ni en los Estados Unidos hay mala voluntad para la América hispana, ni en la América hispana para los Estados Unidos. Hay una concepción equívoca que, si llegara a aclararse, redundaría en beneficio general del continente.

La Prensa de Buenos Aires, con espíritu de americanismo probado y amplio, que se impone el reconocerle; con la seriedad que aborda todas las cuestiones, sin reparar en dificultades, ha creído que es el periódico principalmente el llamado a hacer desaparecer el desconocimiento entre los pueblos hispanoamericanos y la incompreensión entre éstos y los Estados Unidos. Tal la misión panamericana que *La Prensa* viene desarrollando y en la cual se ha empeñado con todas sus energías.

Sin restarle méritos a la labor diplomática, ni a los entronques materiales que crea el comercio, ni a la influencia intelectual que tienen los intercambios universitarios, sino muy al contrario, contando con esos elementos y colaborando con ellos, preciso es convenir en que la prensa, por sus condiciones, por los medios de que dispone, por ser ya un organismo en función y vastamente extendido que no reclama gastos, puede con mayor eficacia y rapidez que ningún otro, hacer obra panamericanista, en el verdadero sentido de la palabra, sobre bases de igualdad y fraternidad. Puede más todavía, puede lo que es casi exclusivo de su dominio, formar y orientar la opinión pública, hasta llegar a constituir lo que podría llamarse una conciencia continental.

Como todo aquel que aborda una empresa que tiene en su fondo carácter de apostolado, *La Prensa* ha iniciado su labor con el ejemplo, sin el cual toda prédica es estéril y hasta contraproducente. Ha comenzado por fundar, como parte integrante de su propio organismo, una oficina panamericana; ha establecido una sección panamericana dominical, con la disposición de hacerla diaria; mantiene una nutrida información continental, en que se sienten constantemente los latidos de todos los pueblos americanos; ha dispuesto los viajes periódicos de un representante suyo por las diversas re-

públicas del hemisferio, para enriquecer la oficina panamericana con material idiológico y gráfico y para que estudie los asuntos en el propio terreno. Esta tarea que podría llamarse de divulgación, viene a ser completada con los artículos editoriales. Las cuestiones palpitantes de cada nación, los temas de mayor importancia, son tratados con profundidad y analizados con alto criterio, tal como si se tratara de los mismos problemas argentinos. Es en estos estudios donde *La Prensa*, con absoluto imparcialidad y agena de todo prejuicio, expone sus ideas respecto a las diferencias entre los pueblos hispanoamericanos y los Estados Unidos, haciendo ver, la mayor parte de las veces, que las dificultades subsisten más por incomprensión que por animadversión, y señala, según su criterio, inspirado siempre en normas de justicia y fraternidad, como esas dificultades podrían zamjarse con un poco más de penetración del alma hispana en el alma sajona y viceversa.

En esta noble cruzada de panamericanismo que se ha propuesto *La Prensa*, no pretende ser ella sola quien la lleve a término. Lejos está tal pretensión de sus normas de conducta. Comprende que obra de tanta magnitud, reclama la cooperación general del periodismo de toda la América. Precisamente por eso envía a un emisario para invitar a la prensa continental a que colabore con ella, a que aporte nuevos elementos, a que sugiera nuevas ideas, dispuesta a recoger y utilizar cuanto se le ofrezca en beneficio de la causa. Su ideal panamericano, ageno de todo exclusivismo, quiere todo de todos y todo para todos.

Buenos Aires.

MAXIMO SOTO HALL.

[ABSTRACT]

The old world has many serious problems. The American continents have one capital problem, on which more or less directly all others depend or from which they derive. That problem—the lack of mutual acquaintanceship among the different countries, and lack of mutual understanding—can be solved with a modicum of good faith and sincere desire. There is in reality very slight mutual acquaintanceship. The Spanish colonial system did not foster contact between the several Spanish colonies either by commerce or other means. The independence movement did create close bonds and the several peoples worked together for the desired end. After independence was obtained, however, this sense of unity gradually lost in force and almost disappeared. On the other hand, the rise of the United States and its development aroused the admiration of its southern neighbors, but real relationship was slight. The Hispanic American nations looked rather toward Europe. To Spain, they were bound by language and the old

colonial bonds; to France by the ideas of the French revolution and by literary influences; and to England by economic considerations, especially by virtue of loans made by that country.

Among the various Hispanic American countries, no attempt was made to cultivate a solidarity of interests or an unanimity of opinion and action. To isolation were added the opposing factors of political differences and frontier disputes. Fortunately, these have tended to disappear, but the lack of mutual acquaintanceship still remains as a barrier to Hispanic American rapprochement. Broader judgment and toleration will effect much. So far as differences among the Hispanic American nations is concerned this may be regarded as a family matter. In the case of the United States and the Hispanic American countries, the factors making for or against rapprochement stand out more clearly. Among the Hispanic American nations themselves, there exists an almost complete ignorance with respect to their intellectual, political, and social life. Between the United States and Hispanic America has arisen a mutual unreasonable suspicion, which forms the chief stumbling block between these two sections. There is really no ill will in either section for the other. The disappearance of the mistaken sentiment entertained for the other in each section will redound to the benefit of all the countries.

To foster the ideal of Pan Americanism, *La Prensa* of Buenos Aires, has organized a Pan American Sunday section, which it is intended will become a daily section. Moreover, it gives serious discussion to the most prominent questions of each American country. It also maintains an information service. In the belief that the daily press is the most powerful factor in making and directing public opinion, *La Prensa* has sent out an agent, [Dr. Máximo Soto Hall], who will visit each country of the western hemisphere in the interest of Pan Americanism. *La Prensa* does not in any way expect to bring about the desired end by its own efforts alone, but hopes that by the coöperation of the press in all parts of the western hemisphere, as well as by that of all other agencies, political, intellectual, and commercial, a true Pan Americanism may be obtained.

The Governing Board of the Pan American Union has formulated a program for participation in the observance of the centenary of the death of Simón Bolívar, El Libertador, which occurred on December 17, 1830. On that date in 1930 the Governing Board will hold a solemn session in memory of the Liberator. At the opening of the session, the chairman of the board will deliver a eulogy on Bolívar. This will be followed by the reading of messages from the presidents of the several American countries by the respective representatives on the Governing Board. A wreath will be placed on the bust of Bolívar as the conclusion of the ceremony. At the same time a wreath will be placed on the statue of the Liberator on Bolívar Hill in Central Park, New York. Also, a representative of the Board, either a former member thereof, or the minister of foreign affairs or a person

designated by the latter, will place a wreath on Bolívar's tomb in Caracas. The Pan American Union will dedicate the December, 1930, issue of the *Bulletin of the Pan American Union* to the memory of the Liberator. As a part of the ceremonies connected with the occasion, the Pan American Union will request the coöperation of the educational institutions of higher learning in the United States. It is understood that the Pan American Union will transmit to such institutions a resumé of the life and work of Bolívar and will suggest to them the desirability of their participation in the exercises on December 17 in the form of lectures touching the life and achievements of the Liberator. It is the hope of the Pan American Union—as it is of every sincere believer in Pan American ideals—that these ceremonies will contribute to the promotion of a spiritual understanding among the peoples of America, as well as to a better understanding of American history.

On June 4, the centenary of the death of General and Field Marshal Antonio José de Sucre, the hero of Ayacucho and firm adherent of Bolívar, the Governing Board of the Pan American Union held ceremonies similar in character to those planned for December 17. The June Number of the *Bulletin* was largely devoted to Sucre.

Such ceremonies are highly laudable, and should be joined in by each American country. In the United States, the ceremonies of December 17 might fittingly center about Washington and Bolívar. It is hoped that each institution of higher learning in the United States and even each high school will celebrate this centenary. Competitive essays might very well mark this occasion.

Dr. Charles C. Tansill, of American University, has been appointed the Albert Shaw lecturer in the Johns Hopkins University for the scholastic year 1930-31. The subject of Dr. Tansill's lectures will be American Policy in the Caribbean since 1865, with special reference to the acquisition of the Virgin Islands.

Professor James B. Winston read a paper on "The story of the Ulloa-O'Reilly episode as revealed by the documents" before the Louisiana Historical Society at its meeting on May 27, 1930.

The John Simon Guggenheim Memorial Foundation announces the following appointments as exchange fellows:

From Mexico—Mr. Alfonso Nápoles Gándara, Professor of Mathematics in the National Preparatory School of Mexico: Studies in differential geometry and harmonic analysis at the Massachusetts Institute of Technology; Dr. Arturo Rosenblueth Stearns, Professor of Physiology in the School of Medicine of the National University of Mexico: Studies in physiology and biochemistry at Harvard University. From the United States—Miss Anita Brenner, New York City, A study of pre-Spanish American art in Mexico and Nicaragua, with special attention to Aztec art; Dr. Ruth L. Bunzel, Lecturer in Anthropology, Barnard College, A study of Indian backgrounds of the Mexican Nation; an intensive study of one of the more primitive Mexican tribes, with special emphasis on the contact of cultures; Dr. John Tate Lanning, Instructor in History, Duke University, A study of the universities of the Hispanic colonies of the New World, with special reference to their place in the development of the Hispanic mind and culture and in the preliminaries of the wars of independence; Dr. Paul S. Taylor, Associate Professor of Economics, University of California, A study in Mexico of the socio-economic aspects of the emigration of Mexicans to the United States.

Miss Irene A. Wright, archive investigator, author, and editor, gave one of the addresses at the opening of the Historical Congress in Seville in May. Her address received a fitting ovation from those who heard it. Miss Wright, who graduated from Leland Stanford in or near the class of President Hoover, is better known for her writings and researches published in foreign countries than for those published in the United States. Probably no other American of the United States of North America, and perhaps of America as a whole, has been able to render as much direct aid as she has to historical students in the Archivo General de Indias.

Roscoe R. Hill, who has been in Spain for some time for the Library of Congress, is reported to be about to terminate his connection with that institution. Students of Hispanic American history will regret this, for he has been able to accomplish most excellent results during the time he has been in Spain. His thorough command of the Spanish language and his ability to work in harmony with the people of other races, joined to his rare knowledge of the Spanish

archives, have made his services of incalculable benefit to the Library of Congress and to historical students.

Dr. Irving A. Leonard of the University of California, Berkeley, has received one of the research fellowships for 1930-1931 awarded by the American Council of Learned Societies of Washington, D. C., and supported by the Rockefeller Foundation. He is spending the year in Spain carrying on investigations into the cultural history of Spanish America during the colonial period working particularly in the Menéndez y Pelayo Library at Santander, Simancas, and the libraries and archives of Madrid and Seville.

BIBLIOGRAPHICAL SECTION

DOCUMENTS RELATING TO THE PUBLICATION OF THE *MEMORIAS HISTÓRICAS* OF RAFAEL ANTÚNEZ Y ACEVEDO

It has been said that at the beginning of the eighteenth century it was easier for a Spaniard to write a book than to get permission to publish it. Rafael Antúnez y Acevedo¹ found that this might still be true at the end of the century, for, while the actual writing of the *Memorias Históricas*² on Spanish colonial commerce occupied him only about six months, it took him more than two years to obtain permission for its publication. The reason for the delay, however, may seem rather surprising, since it was not the radicalism of the book, as one might expect, but precisely its ultra-conservatism.

The accompanying documents throw some light on this episode, for they relate to Antúnez's successive requests for permission to publish and to reprint his work. If for no other reason, they would merit attention because his is one of the capital works dealing with Spain's regulation of colonial commerce,³ and these documents fix the

¹ Antúnez was a *ministro togado* of the council of the Indies. The date of his birth is not known to the present writer, but on June 25, 1796, he wrote that he had already served the king for more than thirty-one years (Document No. IV). In 1797 his salary was 55,000 *reales* a year. It was increased 11,000 *reales* by his appointment, effective January 6, 1800, to a *plaza de camara*. The *Memorias Históricas*, which is the subject of the accompanying documents, is apparently the only book that he published. His death occurred on October 3, 1800 (Archivo General de Indias, Indiferente General, 141-5-10, "Relacion formada por la Direccion y Contaduría General del Departamento Meridional de las Indias," for the last six months of 1800. These archives will hereafter be referred to as A. G. I.).

² The title-page of the copy of this book in the Bibliothèque Nationale (Paris) is as follows: "*Memorias históricas / sobre / la legislacion, / y gobierno del comercio / de los Españoles / con sus colonias / en las Indias occidentales, / recopiladas / por el Sr. D. Rafael Antunez y Acevedo, / Ministro togado del Supremo Consejo / de Indias. / En Madrid / En la imprenta de Sancha. / Año de M.DCC.XCVII.*"

³ In his *Trade and Navigation between Spain and the Indies in the Time of the Hapsburgs* (Cambridge, 1918), pp. xix-xx, C. H. Haring says: "Of secondary

date of its composition⁴ and the circumstances of its publication, and also indicate the probable reason why it was never reprinted. More than this, they constitute a significant, though modest, contribution to the intellectual and political history of Spain in the latter part of the eighteenth century. They show that the liberal movement did not come to an abrupt end with the death of Charles III., but that the liberals were still influential at court nearly a decade after the accession of Charles IV.; they give an instance of the conflict of liberals and conservatives over commercial policy; and they indicate that Desdévise du Dezert's tenebrous picture of intellectual conditions in Spain at this period is not true to life.⁵ One of the most eminent of Spanish liberals was Count de Campomanes,⁶ whose writings on economic and other questions of the day are familiar to all students of Spanish history and mark him as one of the ablest of Spanish publicists. His report on Antúñez's book, which we publish herewith, amounts to a *compte-rendu* of the work; and, as it is also the expres-

accounts, the best and most comprehensive in many ways, though open to much the same criticism as that of Veitia Linaje, is the *Memorias Históricas* published by Rafael Antúñez [*sic*] y Acevedo at the end of the eighteenth century (1797). It is an intelligent historical description of the mechanism of the trade, under the five captions, Ports, Ships, Cargo, Imposts, and Persons, with little comment or discussion. . . . Later Spanish scholarship has nothing to offer so informative as these *Memorias*." The accompanying documents may help to explain the absence of "comment or discussion" noted by Professor Haring.

⁴ See Document No. I. More detailed information on this point is given in the *Advertencia* (pp. i-x) of the published work, which shows that the first four parts were written between October 1791 and January 1792; the fifth part, early in 1793.

⁵ G. Desdévise du Dezert, "La Richesse et la Civilisation espagnoles au XVIII^e siècle," *Revue Hispanique*, LXXIII, especially pages 290-298. The present writer has been unable to find in the whole of the chapter entitled "La Science" (*ibid.*, 281-339) any reference to Antúñez's book, of which Haring speaks so highly (see note 3 above), or, consequently, any allusion to the circumstances of its publication. It might also be noted that the same writer fails to mention the fact that there was published at Madrid in 1794 a Spanish translation, dedicated to Manuel de Godoy, of Adam Smith's *Wealth of Nations*. (Cf. Godoy, *Mémoires du Prince de la Paix* [Paris, 1836], II. 283.)

⁶ Pedro Rodríguez, Conde de Campomanes, was born at Santa Eulalia de Soria (Asturias) July 1, 1723, and died at Madrid, February 3, 1803. He had a long and distinguished career as lawyer, historian, and statesman. He was for many years president of the council of Castile and also of the Royal Academy of History. Though associated with Aranda in the expulsion of the Jesuits, he was most interested in the revival of Spanish agriculture, industry, and commerce.

sion of his mature opinion on the concrete questions of policy raised by Antúñez, it is the most valuable of the accompanying documents. His recommendation, it will be noted, was adopted by the government; and its action provides an interesting instance of the use of the censorship to encourage the spirit of innovation and reform.

The principal points in the historico-political controversy over the publication of Antúñez's book are as follows: On June 18, 1794, the author, who was a member of the council of the Indies, wrote Diego de Gardoqui, secretary of the treasury, requesting him to obtain the king's permission for the publication of the *Memorias Históricas* and their dedication to his Majesty.⁷ Early in August, Gardoqui, acting on the advice of one of his subordinates, referred the manuscript to Francisco de Viana (who, like Antúñez, was a member of the council of the Indies) for his opinion.⁸ Viana's report⁹ was most unfavorable, charging Antúñez with prejudice in favor of the old system of fleets and galleons and even asserting that he was ignorant of the fundamental principles of commerce. Nevertheless, Viana concluded, the only objection to the publication of the book was the discredit it would bring upon the author. There the matter rested until August 4, 1795, when Antúñez wrote Gardoqui two letters, one official¹⁰ and the other private.¹¹ In the official letter, he asked either to be informed of the censor's objections to his book or to have it submitted to some other person for criticism. In the private letter, he bitterly denounced Viana (though not by name), and requested that the manuscript be submitted to Thomas González Carvajal, who, as a former official in Gardoqui's department, had originally been in charge of the *expediente* on Antúñez's petition. This latter request was granted by Gardoqui, who sent the manuscript to Carvajal with a note dated August 17, 1795. Here again there was a delay, for Carvajal's re-

⁷ Document No. I.

⁸ A. G. I., Indiferente General, 151-5-14, "Expediente sobre la licencia concedida á Dn Rafael Antúñez para imprimir las Memorias Historicas . . .": *nota* at the end of the *extracto* of Antúñez's letter to Gardoqui of June 18, 1794. The *nota*, while favorable, recommends that the work be submitted to some official of the *Secretaría de Comercio* of the council of the Indies. It is followed by Gardoqui's endorsement: "Con la nota, encargandose su examen respectivo a Comercio a Dn Franco de Viana", with the date August 6 (1794). There is a further indorsement, "fho en 7 [August, 1794]".

⁹ Document No. II.

¹⁰ This letter is in the *expediente* cited in note 8.

¹¹ Document No. III.

port¹² was not written until February 18, 1796; but when it came it was all that Antúnez could have desired. It described Viana's report as not "properly speaking, a criticism of the work, but a very bitter criticism of the author", which missed the mark completely, since Antúnez's book was not a "dissertation or political discourse, but a simple statement of facts and of measures that have been adopted in regard to the commerce of the Indies". After another interval of four months, in which there does not appear to have been any further correspondence on the subject, Gardoqui wrote Antúnez (June 24, 1796) informing him that the king had granted permission to publish the book.¹³ Since Gardoqui had made no reference to the dedication, Antúnez thereupon made another representation on that point.¹⁴ No action was taken on this request before the retirement of Gardoqui, which occurred shortly thereafter, and Antúnez renewed it once more in a letter of November 13, 1796,¹⁵ to the new secretary of the treasury, Pedro de Varela. It does not appear that the request was formally denied, nor on the other hand was it granted, for, when the book was published early in 1797,¹⁶ the dedication to the king was conspicuous by its absence.

The controversy was revived in March, 1797, by Antúnez's request, addressed to the council of the Indies, for the exclusive permission for himself and his heirs to reprint the book. The council held that, since the original permission to publish had proceeded directly from the king, the same authority should pass upon the request regarding republication. The matter was accordingly referred to his Majesty with a favorable recommendation.¹⁷ The king thereupon referred it in turn, through Varela, to Count de Campomanes. Again Antúnez suffered from a liberal's disapproval of what was regarded as excessive veneration for the system of fleets and galleons and unsympathetic treatment of the commercial reforms of the last two decades. The reader can see for himself what Campomanes had to

¹² Document No. IV.

¹³ In the copy of the book cited in note 2, this *licencia* is printed on the page following the title-page.

¹⁴ Document No. V.

¹⁵ This letter is in the *expediente* cited in note 8.

¹⁶ Documents VI and VII show that the book had actually been published before March 30, 1797.

¹⁷ Document No. VI.

say about the book.¹⁸ It may, however, be pointed out that he took substantially the same ground as Viana, with two differences. The first is that he carefully avoided the appearance of making a personal attack on Antúnez, basing his criticism entirely upon the contents of the book and professing great respect for the worthy official himself. The second difference is that Campomanes ventured to criticise (though only by implication) the direct issuance of a royal license to Antúnez without prior consultation of the competent authority, the council of the Indies. His advice to the council to maintain its control over the publication of such books is an indication that the liberal Campomanes was convinced of the liberalism of that body.

In accordance with his recommendation, Varela informed Antúnez on April 18, 1798,¹⁹ that, if he would "retouch" the passages dealing with the reforms of Charles III., the reasons for which had not been adequately stated in the original edition, and would then submit it to the council, he would be granted the desired privilege of republication. The writer has not found any evidence that Antúnez attempted to modify his account to suit his critics. Old age may account for his inaction, but stubbornness would seem a more likely explanation, since he continued to discharge his duties as member of the council of the Indies until a short time before his death, which occurred on October 3, 1800.²⁰ The documents follow.

ARTHUR P. WHITAKER.

Cornell University.

DOCUMENT No. I.²¹

Ex.mo S.r

[f. 1]

Con oficio de 4 de este mes, que de Real Orden me pasó V.E. con otro motivo, se sirve decirme, entre otras cosas, que el Rei tiene noticias de la loable afición, con que he mirado siempre la jurisprudencia mercantil en todos sus Ramos, y de mi particular instruccion en las Leyes, y costumbres de nuestro Comercio de Yndias; y estas honorificas expresiones, me alientan á dar cuenta á S.M. por mano de V.E. de mis *Memorias historicas* sobre el mismo Comercio, cuya *advertencia* preliminar, ó Prologo incluyo, con la *division de la Obra*.

Compuse la mayor parte de [f. 1 v.] esta Obra mas de 2. años hace, sin animo de que saliese a la luz publica, ni otro objeto que el de entretener honestamente los

¹⁸ Document No. VII.

¹⁹ A draft of this letter is in the *expediente* cited in note 8.

²⁰ See note 1.

²¹ All of the following documents are in the *expediente* cited in note 8.

ratos que me dexaban desocupados las tareas de mi Ministerio, en un trabajo á que me llama la inclinacion, y que podia ser de algun precio en otro tiempo, por original, y quizá unico en su linea; pero habiendo leído despues mis manuscritos, por pura curiosidad, muchas Personas de buen gusto en la literatura, y de bastante inteligencia en el Comercio, no solo han aprobado la Obra, sino que tambien me han persuadido, á que debo imprimirla; haciendome un escrupulo de conciencia literario el que yo dé lugar p.^r [f. 2] mi negligencia á que ella sea Pasto de la polilla.

Así he resuelto dirigir á V.E. el prologo, y division de la Obra (que dan bastante idea de ella) suplicandole me alcance del Rei R.^l Orden [concediendo] licencia para imprimirla á mis expensas, y tambien su Soberano permiso para dedicarla á S.M. si mereciese este especial favor, como primicias que ofrece un Fiel Ministro suio.

No tengo antecedente, ni motivo para dudar que mi Consejo en virtud de sus ordinarias facultades me concederia licencia para la impresion; pero quisiera saliese á la luz la Obra distinguida con el extraordinario (aunque no sin exemplar) permiso—de S.M. y su R.^l aceptacion.

V.E. me facilitará uno y otro, si no le parece inoportuno; estando yo pronto á remitirle toda la Obra luego que se sirva avisarme en contestacion á este oficio, ó como lo tenga por mas conveniente.

Dios gue á V.E. m.^s a.^s Madrid y Junio 18. de 1794.

Ex.mo S.r

RAFAEL ANTUNEZ.

[Rubricado]

[Addressed:] Ex.mo S.r D. Diego Gardoqui.

DOCUMENT No. II

[f. 1]

Exmo. S.or

Quando V.E. me pasó con Orn. de 27 de Agosto ultimo las Memorias historicas sre. la Legislacion de España en la parte respectiva al Como de Yndias de Dⁿ Rafael Antunez, las habia yo leído por encargo del Autor, y habia formado un concepto, que por no ser [f. 1 v.] favorable me ha detenido.

A la verdad, S.or Exmo, es muy sensible haber de decir de un Amigo, y de un Magistrado, cuyo zelo por los progresos del Comercio es harto raro entre nosotrs: que ignora los principios de la materia: que ha escrito no solo sin critica, pero con parcialidad [f. 2] y que está preocupado por el sistema de los Reglamentos, y el monopolio de Cadiz.

Los Autores de q. se ha valido tienen el mismo defecto, especialm.te Veytia²² á quien celebra con indiscrecion; siendo muy notable en esta parte la credulidad con que cita los calculos de Miguel Alvarez Osorio,²³ fundados en datos disparatados.

[f. 2 v.] Dice Antunez: "que escribe para instruir á los Comerciantes, por "que ellos son los q.e han de proponer, si es que se quiere acertar; y añade. No

²² Joseph de Veitia Linaje, *Norte de la Contratación de las Indias Occidentales* (1672). See Haring, *op. cit.*, pp. xvii, xviii.

²³ M. Alvarez Ossorio y Redin, *Extensión Política y Económica* . . . (1686).

"se crea por esto q. yo juzgo que en hallandose bien instruido nro. Comercio, luego se hallarán los medios seguros de hacer florecer el de las Yndias. Estoy por desgracia muy lexos [f. 3] de pensarlo así, y creo que el restablecimiento de nra. antigua opulencia en esta parte es mas difícil que lo q. comunmente se cree"

Yo que he observado los progresos de este Como particularmente desde q. se estableció la concurrencia, y q. tengo á la vista por un estado comparativo la gran diferencia de él que [f. 3 v.] ahora se hace, respecto á él que se hacia antes²⁴ advierto en este rasgo quanto ciega la preocupacion, y al extremo que conduce el espiritu de partido.

Pero donde se vé mas claram.te la parcialidad es en la primera parte en que se trata de los Puertos habilitados por la Cedula de 15 de Enero de 1529,²⁵ Ce- [f. 4] dula que el Consulado de Sevilla impugnó constantem.te con los manejos, y artificios de que es capaz un Cuerpo de Comerciantes ricos, que aspiraban al Como exclusivo.

Son dignas de leerse las observaciones del Autor sre. esta Cedula, y sus congeturas, quando pretende probar que no tuvo uso ó que fué de [f. 4 v.] muy poca duracion. Las razones y docum.tos en que se funda prueban lo contrario. Es de notar que esta materia es de hecho, sujeta á investigacion y que el Autor ofrece en el prologo quanto ha podido averiguar.

Las providencias que determinaban la salida y el porte de los Buques, los Reglam.tos para las [f. 5] visitas, la tasa de los fletes, y otras muchas travas y vexaciones de la Navegacion y Como que eran conseq.as inevitables de aquel sixtema las califica de sabias precauciones, y citando una Cedula, que casi inserta a la letra aunque es impertinente, por la qual se mandó, que todos los Marineros asistieran á una Mision en S.n [f. 5 v.] Lucar, confesaran, y comulgaran, y que no fuesen recibidos á bordo sin hacer la justificacion correspondiente; dice: que "reluce en este la piedad, y vigilancia de nros. Soberanos," y añade mas adelante "No fue menos el cuidado del Soberano por la salud corporal;" aludiendo á las providencias q. arreglavan los Ranchos, y fixavan [f. 6] las raciones.

No obstante lo expuesto el unico inconven.te que hallo pa la impresion de esta Obra es el descredito del Autor; pues aunque sus ideas no son conformes á los buenos principios, y al sixtema actual, los progresos del Como han desengañado á la Nacion, y todos conocen yá los errores pasados aunq. [f. p v.] se presenten

²⁴ The statistics abundantly support Viana's contention. See for instance the data, gathered from various sources, in G. Desdevises du Dezert, "La Richesse et la Civilisation espagnolles", *loc. cit.*, pp. 188, 189 and 208-210. A discussion of the commercial reforms of Charles III. is contained in H. I. Priestley, *José de Gálvez* (Berkeley, 1916), pp. 25-40.

²⁵ This cedula is discussed in Haring, *op. cit.*, pp. 15-17. Viana's criticism of Antúnez on this point is particularly interesting in the light of Haring's statement that "strangely enough, there is little evidence that this liberty was made use of" (p. 15).

como maximas, y precauciones muy sabias, y se pondere la opulencia de aquellos tiempos.

Dios gue. á V.E. m.s a.s Madrid 10 de Ab.l de 1795.

Ex.mo Señor.
FRAN.co VIANA.
[Rubricado.]

[Addressed:] Exmo. S.or D. Diego de Gardoqui.

DOCUMENT No. III

[f. 1]

Cadiz á 4 de Agosto de 1795.

Mi antiguo venerado Compañero, y mui S.r mio: La primera vez q.e escribo á Vmd fuera de Oficio, y que me valgo de la licencia de tratarlo sin ceremonia, es para pedirle me despache un asunto personal q.e tiene tambien algo de Oficio. El asunto suplicatorio²⁰ instruirá á Vmd de mi actual solicitud, recordandole las anteriores sobre el mismo asunto; pero debo explicarle en esta Carta lo q.e no seria conveniente decir en mi recurso.

Vmd. supondrá que Yo no hé ignorado quien es Censor de mi Obra, y el modo decoroso con que se le remitió á fin de q.e ciñese su Dictamen á si habia reparo en que se publicase: [f. 1 v.] Esta Comision no exigia secreto por su naturaleza, ni el comisionado mismo lo guardo con migo. Vmd habra sabido tambien, como opinaba el Censor en favor de la publicacion de mi obra quando la habia leído toda, pero no imaginaba que se le habia de encargar la censura. Yo procedi de buena fé creyendo que en el habia la misma, y que, si con nueva meditacion (aunque me aseguré la habia leído extractándola) variase su Dictamen, me lo diria en confianza, explicandome con franqueza los reparos.

En todo me engañé, y Vmd. sabe quantas dilaciones costó sacar la Obra de su mano, sin que yo pueda atinar el motivo de esta que aparece vna verdadera felonía; aunque no puedo persuadirmela de [f. 2] un hombre de las circunstancias del Censor, y de su honor. Pero lo que importa es acudir á la enmienda para salvar el mio, y confio q. Vmd no la descuidará.

El camino mas corto, y mas seguro me parece; que la Obra se remita al mismo Sugeto q.e corria con este expediente quando era Oficial de la Secretaria del Cargo de Vmd; pues ya no lo es, y Vmd. sabe q.e concurren en él la inteligencia, juicio, e imparcialidad necesarias. Si Vmd adoptare este pensamiento, estimaré que no difera ponerlo en execucion, y de qualquiera modo espero que no me retardará algun consuelo.

Confieso que me aflige, dias hace, este pequeño negocio, tanto mas, quanto nunca pensé en publicar [f. 2 v.] mi Obra, y si me resolví á ello fue por las instancias repetidas de Sugetos de character, y especialmente del mismo que impide ahora, que se publique.

Perdoneme Vmd. esta larga suplicatoria; q.e Yo bien siento hacerla á un Ministro q.e tiene tanto que leer, y trabajar. Concluyo pues Ofreciendome á las ordenes de Vmd. C.M.B. su affo reconocido servidor, y amigo

RAPHAEL ANTUNEZ.
[Rubricado]

²⁰ I.e., Antúnez's official letter of the same date to Gardoqui: see note 10.

P.D. De cuidado no nombro al Censor, ni aun en esta Carta, por ocultarlo del Amanuense; ni tampoco al otro que solicito, y Vm. conocerá que es D.ⁿ Thomas Gonzalez Carvajal.

[Addressed:] Ex.^{mo} S.^r D. Diego Gardoqui.

DOCUMENT No. IV.

[f. 1]

Exmo. Señor.

Con real orden de 17 de Agosto del año proximo pasado se sirvio Reservada. V.E. remitirme la obra intitulada: *Memorias historicas sobre la legislacion del Comercio de los Españoles en sus Colonias en las Yndias Occidentales*, escrita por D.ⁿ Rafael Antunez Ministro togado del Supremo Consejo de las Yndias, y la censura²⁷ que de ella se habia hecho, á fin de que en vista de todo y con la imparcialidad que corresponde, expusiese Yo reservadamente el juicio que formase de dicha obra.

He visto con la debida atencion uno y otro: y hallo que la censura no és, propiamente hablando, censura de la obra, sino una oritica muy agria contra su autor: De este dice que ignora los principios de la materia: que ha escrito sin critica y con parcialidad: y que está preocupado por el sistema de los reglamentos y el monopolio de Cadiz: cuyos defectos atribuye tambien á los escritores de quienes se ha valido, especialmente á Veitia, y Alvarez Osorio, que son los unicos que nombra.

Aun quando fuera cierto que el autor tubiera todas estas faltas, todavia pudiera ser buena la obra, y muy util su publicacion. Por que hablando llanamente, y sin afectacion de literatura, ni esta es obra de critica, [f. 1 v.] ni necesita de una filosofia tan sublime y depurada como parece que apetece el Censor. Para hacerla como conviene basta ser veraz, exacto, y laborioso, cuyas calidades son tan propias del escritor de estas memorias, que pocos las juntarán en igual grado todas tres. Si se tratára de escribir disertaciones ó discursos politicos sobre el mejor modo de dirigir el Comercio de America, vendria bien todo ese aparato: mas para referir una despues de otra las varias providencias dadas por el Gobierno sobre este comercio en las diversas epocas por donde ha corrido, que es á lo que vnica-mente se reduce la obra, no es menester tanto.

No es de mi oficio ahora vindicar al autor de las notas que se le imponen, aunque me parezcan injustas. Pero no puedo dexar de decir, que qualesquiera que fuesen las prendas del que escribiese semejante obra, solo por haberla escrito tendria contra si toda la severidad del Censor: y añado que todo este rigor nace á mi entender de un buen principio aunque mal aplicado. El Censor és y há sido siempre acerrimo defensor de la libertad del Comercio de Yndias; y a su celo y constancia en los trabajos de la Secretaria se debe en gran parte el que aquella libertad se haya sostenido por el Gobierno á pesar de las porfiadas contradicciones que padeció al principio. Celo verdaderamente ilustrado, laudable, aprobado yá por la experiencia, digno de toda estimacion siempre que se contenga en sus justos limites. Pero el Censor lo quiere llevar tan adelante, que le ofende y le irrita hasta la memoria de las providencias dadas anteriormente, por mas que sean antiguas [f. 2] y desusadas, como parezcan contrarias á las que gobiernan en

²⁷ I.e., Viana's report: Document No. II.

el día, en las cuales presume con razon haber podido tener algun influxo: y de aqui es su amargura con el autor de las memorias.

Esta si que es preocupacion y parcialidad, y falta de critica. Vn Filosofo que sin espiritu de partido sigue lo que le parece mas conforme á razon, siempre debe dexar lugar á las opiniones ajenas, haciendoles honor; y no querer las sofocar privando á cada vno de la natural libertad de decir su sentir, por que esto seria aspirar a vn despotismo que nunca há tenido lugar en la Republica de las letras. Asi que, aun quando en las memorias se pretendiese establecer el sistema contrario á la libertad del Comercio de Yndias, (de lo qual nada hay absolutamente en ellas) el Censor por su propio honor debiera dejarlas correr; confiando del juicio del público, ó de su misma pluma la refutacion de aquellos errores, con tal que no sahiriesen manifestamente al Gobierno actual. Mucho mas quando las memorias como yá hé dicho, no son otra cosa, que vna sencilla relacion de las diversas providencias y reglamentos dados desde el principio hasta el dia: y esta especie de colecciones en qualquier genero que sean, siempre son apreciables. Las leyes varian de continuo segun el tiempo, las necesidades, las costumbres, y aun la mayor ó menor ilustracion de los que las dictan: y por eso mismo la historia de ellas será siempre vn objeto digno de la curiosidad y de la observacion de los politicos; sin que á nadie le haya ocurrido hasta ahora que el referir fielmente en vna historia de estas las leyes promulgadas [f. 2 v.] uno ó dos siglos antes, sea hacerse partidario de ellas, ni censurar las que gobiernan en el dia; como á estas se dé tambien su lugar con la debida igualdad en la misma historia. Si esto fuese asi seria menester condenar por partidarios, preocupados, y enemigos de la buena filosofia á los que han escrito historias de esta ciencia, refiriendo en ellas los errores y las extravagantes opiniones de muchos filosofos, que yá nadie sigue, y casi se han borrado de la memoria de los hombres. Pero los verdaderos criticos saben que para acertar conviene mucho saber en lo que otros erraron: y que en nada se exercita con tanto fruto un espiritu observador, como en comparar las opiniones que han reinado en diversos tiempos, y las ocasiones y circunstancias que han contribuido á fomentarlas ó destruirlas; por que asi se van especulando los pasos por donde el espiritu humano descarriandose allí, tropezando allá, y enderandose aculla, llega por fin á ponerse en el camino de lo verdadero y de lo justo. Este é el uso que debe hacerse y que siempre han hecho los verdaderos criticos, de semejantes obras; y por eso creo no solo que no será perjudicial, sino que será util la publicacion de la de D.ⁿ Rafael Antunez, por que carecemos de otra igual en su clase.

Este dictamen viene a sér en sustancia casi lo mismo que el del censor, aunque él, por las razones que dexo expuestas, lo dé con cierto disimulo, y como de mala gana. Por que al fin de su censura dice y confiesa "que en la publicacion de la "obra no halla otro inconveniente que el descrédito del autor; pues aunque sus "ideas no son conformes á los buenos principios y al [f. 3 v.] sistema actual; los "progresos del Comercio han desengañado á la Nacion, y todos conocen yá los "errores pasados." Si esto vltimo es asi, como en efecto lo és, ¿que razon habria

para privar á Antunez de la satisfaccion de publicar su obra, aun quando en ella hubiese querido establecer opiniones contrarias al sistema actual? Ninguna ciertamente; pero mucho menos no siendo sus memorias, como yá hé repetido, disertaciones ni discursos politicos, sino simples relaciones de hechos y de providencias que se han dado sobre el Comercio de Yndias. Pero el pecado está en no haber dicho que todas las providencias antiguas fueron un puro disparate nacido de la ignorancia y de la oscuridad de los tiempos; por que á tanto llega la eficacia del Censor, y la actividad y vehemencia de sus ideas. Sin hacerse cargo de que el oficio de un redactor es dar su coleccion completa, fiel, y bien ordenada, sin propasarse á mas. Si alguna vez elogia las providencias que refiere, esto es hacer honor á los Soberanos, que las dieron, cuya memoria aunque yá no existan, es siempre respetable. Fuera de qué pueden muy bien haberse rectificado moderadamente las ideas, y corregido los errores en qualquier materia sin que por eso dexen de merecer alabanza los antiguos que trabajando sobre otro sistema que entonces parecia bueno, segun las luces de su tiempo, y que tal vez con las del nuestro hubieran acertado mas que nosotros. Asi Yo no estraño ni reprehendo que hoy se celebre á Veitia aunque nunca lo lea con gusto. Es verdad que este escritor no es un modelo de eloquencia ni de critica, ni tampoco es un Economista consumado; pero nadie lo elogia por tal. Fué [f. 3 v.] un hombre laborioso, exactisimo, de la primera autoridad y credito en lo que escrivia; y asi nos dexó memorias y noticias del Comercio de Cadiz á Yndias y de su legislacion y gobierno que no se hallan en otro alguno. Mas como no estubo por el sistema de la libertad, que ni pudo conocer ni soñarlo en su tiempo, por eso el Censor dice que es una indiscrecion elogirlo. No censura menos otros elogios dados á ciertas providencias antiguas, ó por mejor decir, al celo y buen orden con que estaban dictadas, supuesto el sistema que entonces se seguia. Tales eran las reglas para la salida de los Navios, su porte, tasa de fletes, visitas, y otras que el autor llama sabias precauciones, y no se puede negar que lo eran respecto de los principios que en aquel tiempo gobernaban, y que el no darlas entonces hubiera sido una inconsequencia muy notable. Pero al Censor todo le ofende. Tropezó con vna Real Cedula en que se mandaba que los marineros confesasen y comulgasen antes de salir á la Mar; y por que dice Antunez que aquello era una prueba de la vigilancia y piedad de los Soberanos, tambien halla que censurar. Asi son poco mas o menos los demas reparos; y en suma no veo en todos ellos ninguno que justamente deba impedir la publicacion de las memorias. En los ratos que hé podido vacar de las ocupaciones de que yá estaba rodeado quando recibí la R.^l orden que V.E. me comunicó para examinarlas, juntamente con la referida censura, las hé leído todas con la mayor atencion, y sin embargo de ella, me parecen dignas de la luz publica.

Solo vn reparo encuentro en la advertencia ó prologo que precede á las memorias, y es que alli [f. 4] se critica un error muy claro cometido por el autor de la carta anonima sobre el Comercio de Yndias bajo la alegoria burlesca del de los huevos de Foncarral, y otro del que impugnó esta Carta. Ambos son sugetos dis-

tinguidos, y que hoy ocupan empleos muy altos en la corte: y aunque no se dicen sus nombres, es facil que sean conocidos; y la prudencia pide que se les excuse este sonrojo. Antunez tal vez no lo sabrá, y conviene advertirselo para que suprima este pasaje. Que es quanto puedo informar á V.E. con la reserva é imparcialidad que se me manda en la citada Real orden.

Dios Gue. á V.E. muchos años. La Carlota 18 de Febrero de 1796.

Ex.mo S.or

TOMAS JOSEF GONZALEZ CARVAJAL

[Rubricado]

[Addressed:] Exmo S.or D.n Diego de Gardoqui.

DOCUMENT No. V.

[f. 1]

Ex.mo S.or

Acabo de recibir el Oficio de S. E. con fecha de ayer, en que me avisa haber concedido el Rey la licencia para imprimir mis *Memorias historicas sobre la legislacion y gobierno del Comercio de los Españoles con sus Colonias en las Yndias Occidentales*: y no debo perder instante en manifestar mi profundo reconocimiento á la Piedad de S.M. y al favor y justificacion de V.E. por esta Resolucion.

Pero al mismo tiempo tampoco puedo omitir molestar nuevamente á V.E. por el otro extremo de mi súplica, para que el Rey [f. 1 v.] me permitiese dedicarle esta obra, pues nada dice sobre este punto el citado Oficio, y es presumible, que siendo tan antiguo mi memorial sobre los dos extremos, haya olvidado V.E. (entre sus muchas ocupaciones de mayor importancia) comprehender esta parte de pura gracia, al dar cuenta, ó al extender la resolucion.

Yo, Señor Ex.mo no puedo persuadirme (quizá el amor propio lo impedirá) á qué concediendome S.M. licencia para imprimir la Obra, me niegue el honor y consuelo de dedicarla á su Augusto nombre, quando, supuesto aquel permiso, es el otro un puro favor que se ha hecho á otros muchos Autores, aun sin el caracter con que el Rey me ha honrrado; [f. 2] y que por otra parte nunca puede ofrecer consequencia ni resultas perjudiciales al Público ni á persona alguna.

Pero si á pesar de estos fundamentos yerro en mi persuacion, y el Rey no ha condescendido en la Dedicatoria, suplico rendidamente a V.E. incline su Real ánimo á que me la permita, para consuelo de un fiel Ministro que ha servido mas de treinta y un años con zelo y aplicacion, aprobados siempre por S.M. y por su Augusto Padre.

[f. 2 v.] N. S. conserve la salud de V.E. por m.s a.s como pido. Madrid á 25 de Junio de 1796.

Ex.mo S.r

RAPHAEL ANTUNEZ.

[Rubricado]

[Addressed:] Ex.mo S.or D.n Diego Gardoqui.

DOCUMENT No. VI.

[f. 1]

Consejo pleno de Yndias a 30 de Marzo de 1797.

Propone que V M se sirva conceder a Dn Rafael Antunez privilegio exclusivo para reimprimir sus Memorias Historicas sobre el Comercio de Indias.

Expone que el Ministro de aquel Tribunal D.n Rafael Antunez ha solicitado se le conceda privilegio exclusivo para si y sus herederos, para reimprimir sus Memorias Historicas sobre el Comercio de Indias como se ha hecho en otros casos, y especialmente con la Historia del Nuevo Mundo de D.n Juan Bautista Muñoz.²³

El Consejo considerando que la licencia para la impresion de dicha Obra dimanó de V.M. en Real Orden de 24 de Ju-[f. 1 v.]nio proximo pasado, no se há atrevido a usar de las facultades que le competen, y lo hace presente a

V. M. creyendo propio de su soberana piedad se digne conceder a Antunez el privilegio que solicita.

4 de Abril de 1797.²⁴

Ynforme el S.r Conde de Campomanes. [Rubricado]

Fha 10 de Abril id

DOCUMENT No. VII.

[f. 1]

Ex.mo S.or

Para cumplir debidamente con la R.l orden que V.E. me comunica en este oficio, ademas de enterarme de la Consulta²⁵ del Consejo pleno de Indias de 30 de Marzo anterior que le acompañaba y devuelvo, he visto la licencia²⁴ ó permiso con que se imprimió la obra intitulada *Memorias historicas sobre la legislacion y gobierno del comercio de los Españoles con sus colonias en las Indias Occidentales* por D. Rafael Antunez Ministro del Consejo de Indias.

Esta licencia que se halla impresa al principio de la obra fué dirigida ál mismo D. Rafael Antunez por el S.r D. Diego de Gardoqui en 24 de Junio de 1796, y el Consejo por haberse expedido por la via reservada,²⁵ se creyó sin facultades como lo expresa en su Consulta, para expedir el privilegio solicitado por el autor; pero dá dictamen favorable, y es lo que comprehende este expediente.

No puede dudarse que estas memorias se hallan impresas con toda la autoridad que las recomienda para su curso en el publico.

Creí debia enterarme de su contenido antes de exponer mi dictamen, y con efecto hallo que su plan y distribucion és metódico y util su lectura para el cono-

²³ Only the first volume of Muñoz's work was published (Madrid, 1793). It provoked sharp criticism and the publication of the work was suspended (Desdévise du Dezert, "La richesse et la Civilisation espagnolles", *loc. cit.*, pp. 318, 319).

²⁴ This and the following line are the indorsement by Pedro de Varela, secretary of the treasury. The last line shows the date of the note written to Campomanes.

²⁵ *I.e.*, Document No. VI.

²⁶ *I.e.*, the royal order transmitted by Gardoqui to Antúnez June 24, 1796: see note 13.

²⁷ *I.e.*, by a royal order issued through a minister (Priestley, *op. cit.*, p. 17).

cimiento del progreso que ha tenido nuestro comercio en las Indias Occidentales desde su descubrimiento por Christoval Colon baxo los auspicios de los Señores Reyes Católicos; remitiendose el autor á las obras magistrales, así de la coleccion de Cédulas y provisiones despachadas para las Indias que se imprimió en quatro tomos en el año de 1596³³ á fines del reynado de Felipe II^o ál Norte de la Contratacion de D. Josef de Veytia Linage,³⁴ y á la Recopilacion de las Leyes de Indias publicadas en 1681,³⁵ como á otros autores y documentos de este Siglo: en que acredita su diligencia y mucho estudio.

El asunto es importante y de consecuencia, y por lo mismo aunque és justa la pretension de D. Rafael Antunez para la concesion del privilegio, me persuado convendria retocáse la obra antes de su reimpression: pues advierto en ella alguna adhesion ál método antiguo de flota y galeones con que se hacia el comercio de Indias, y demasiada concision en referir las causas que apoyan las sabias providencias del S.^r Carlos III^o de augusta memoria á que van consiguiendes las que S.M. reynante há ido tomando sobre aquel comercio,³⁶ que á virtud de ellas tanto vá creciendo y prosperando, y llegará siguiendolas á su colmo.

¿Pues como podia ser compatible el estanco del comercio en un solo puerto para abastecer todas las Indias con el surtimiento de estas? ¿ní cómo sin especulaciones individuales de lo que necesitaba cada provincia de las Indias, se las podia proveer á tiempo por el método de la flota y galeones?

¿Ni en que podia fundarse el estanco del comercio en Cadiz y antes en Sevilla privando del tráfico á Indias á los puertos y provincias de la Corona de Castilla contra lo dispuesto en 1529 con maduro acuerdo por el S.^r D. Carlos I^o?³⁷

Todo lo remedió Carlos III^o con la libertad concedida á este tráfico extendiendole á todas las provincias de la monarquía por los puertos habilitados de ellas, de que há resultado su aumento en beneficio de la nacion y del R.^l Erario, y lo que es mas há decaído aquel contrabando que hacian inevitable las trabas con que antes del año de 1778 se comerciaba de España á las Indias.

Como el recomendar el sistema antiguo desentendiendose de los inconvenientes que su práctica causaba y motivaron su reforma, en algun modo se opone ál que actualmente y con solidos fundamentos se há adoptado en el reynado anterior y sigue en el presente con tanta prosperidad; considero seria conveniente que D. Rafael Antunez antes de reimprimir su obra la retoque, y que examinada en el Consejo conforme á las leyes contenidas en el titulo 24 libro 1^o de la Recopilacion

³³ This is no doubt the work cited in Haring, *op. cit.*, p. xvi. See note 40.

³⁴ See note 22.

³⁵ See Haring's comment on this source: *op. cit.*, p. xviii.

³⁶ Antúñez's account of the abandonment of the system of fleets and galleons and the adoption of the system of "free commerce" in 1778 is on pp. 111, 112 of the printed work. These passages, which Campomanes no doubt had in mind, show no enthusiasm for the reform. Antúñez concludes the account with the advice that those who regulate the commerce of Spain and the colonies would do well to read and meditate chapters 14-20 of Part II of Bernardo Ulloa's *Restablecimiento del Comercio y Fábricas de España*, a book that was published at Madrid in 1740 (*cf.* Priestley, *op. cit.*, pp. 37, 55).

³⁷ See note 25.

de Indias,³³ se le conceda el privilegio que solicita; cuidando el Consejo de que así se observe en los demás libros que se publicáren de esta especie, por lo que en ello interesa el beneficio público y el servicio de S.M.³⁴ y és el concepto que hé formado y puedo exponer con deséo del acierto: sin que séa mi ánimo menos-cabar en nada el aprecio que se merece D. Rafael Antúnez por su trabajo.

En el apéndice de documentos que coloca este autor al fin de sus memorias faltan algunos esenciales; y sin duda por ser tantos los que tratan del comercio de Indias en este siglo, no se puede venir en conocimiento de sus disposiciones sin tenerlos a la vista y colocados en una coleccion metódica ál modo del Cedulaario de 1596³⁵ hecho de orden de Felipe II^o Entiendo por lo mismo seria muy útil se coordinasen y reduxesen á un cuerpo de obra por clases y respectivo orden cronológico, todas las Cédulas, provisiones, proyectos, despachos y ordenes expedidas sobre el comercio de Indias y el de las Islas Filipinas desde principios de este siglo y reinado del S.^r Felipe V^o hasta el presente inclusive; encomendandose á sugeto hábil y desocupado á quien se franqueasen para que los ordenase con discursos, epígrafes, índices y cálculos del adeudo de derechos: de modo que nada faltase y la nacion se instruya generalmente el desvelo con que los Señores Reyes de la augusta Casa de Borbon han sacado la contratacion de las Indias del estado abatido á que en fin del Reynado de Carlos II^o se hallaba reducida.

Hé manifestado con sinceridad lo que me dicta mi zelo por la gloria y servicio del Rey en este asunto, y V.E. se servirá hacerlo presente a S.M. para que se digne resolver lo que fuere de su R.^l agrado. Dios gue. á V.E. m.^s a.^s Madrid 19 de Abril de 1797.

EL CONDE DE CAMPOMANES.

[*Rubricado*]

[*Addressed:*] S.^{or} D. Pedro Varela.

ABSTRACTS.

No. I. Antúnez to Gardoqui, June 18, 1794.

The allusion made in a recent royal order to his knowledge of the laws relating to colonial commerce has encouraged Antúnez to transmit to the king through

³³ The rule in this section applicable to Antúnez's case is Ley 1, which runs as follows: "Nuestros Jueces y Justicias de estos Reynos, y de los de las Indias Occidentales, Islas y Tierra firme del Mar Oceano, no consientan, ni permitan que se imprima, ni venda ningun libro, que trate de materias de Indias, no teniendo especial licencia despachada por nuestro Consejo Real de las Indias. . . ." (*Recopilación de Leyes de las Indias*, Madrid, 1756, 2nd ed.).

³⁴ As stated in the introductory note, this passage is an implied criticism of the direct granting of a royal license to Antúnez through Gardoqui. According to the law in the *Recopilación* cited above (note 38), the power to grant such licenses was vested in the council of the Indies.

³⁵ Campomanes's recommendation of this work as a model is interesting in the light of the criticism of it contained in the license for the publication of the *Recopilación de Leyes de las Indias*. According to the latter, it was the lack of method and clarity in the compilation of 1596 that made it necessary to prepare and publish the *Recopilación*.

Gardoqui the preface and table of contents of his *Memorias Históricas* on that subject. It was not at first his intention to publish the work, but he has been persuaded by certain persons that it is his duty to do so. Though confident that he could obtain a license for its publication from the usual source, the council of the Indies, he would like to have the appearance of the book distinguished by a special royal license. He also asks for permission to dedicate it to the king.

No. II. Viana to Gardoqui, April 10, 1795.

In compliance with a royal order of August 27, 1794, Viana gives his opinion of Antúnez's *Memorias Históricas*. His report has been delayed by embarrassment arising from the fact that, while Antúnez is his friend and a zealous official, he is ignorant of the basic principles of commerce. His book is marked by an obvious prejudice in favor of the old system of fleets and galleons and against the new system adopted by Charles III. and pursued by the reigning king; and he has used his authorities uncritically. Nevertheless, Viana finds no objection to the publication of the work except that it will discredit the author.

No. III. Antúnez to Gardoqui, August 4, 1795.

In a personal letter supporting his formal petition of the same date, Antúnez asks for further action in regard to his manuscript. He charges the censor with bad faith, and asks that the work be submitted to another censor. In a post-script he gives the name of the censor whom he prefers as Thomas González Carvajal.

IV. González Carvajal to Gardoqui, February 18, 1796.

In conformity with a royal order of August 17, 1795, he gives his opinion of Antúnez's work and of Viana's criticism of it. The latter he finds not properly speaking a criticism of the work but a very bitter attack upon the author. Viana's charge of prejudice is not justified, and even if it were the work might still be worthy of publication. It does not pretend to be critical but is simply a narrative account of successive measures adopted by the Spanish government. As such it is faithful and accurate. Suggesting the omission of a certain allusion in the preface, he believes that the work is worthy of publication.

V. Antúnez to Gardoqui, June 25, 1796.

Acknowledging the receipt of a note of the previous day from Gardoqui, in which he is informed that the king has granted permission to publish the *Memorias Históricas*, Antúnez calls attention to the fact that no mention is made in it of his request for permission to dedicate the work to his Majesty, and renews the request.

VI. A Memorandum of the council of the Indies, March 30, 1797.

Antúnez has requested that he and his heirs be given the exclusive right to reprint his *Memorias Históricas*. Since the license for its publication proceeded from the king, the council does not venture to pass upon the request, but transmits it to the king with a favorable recommendation. The Count de Campomanes is directed to report regarding it.

VII. Campomanes to Varela, April 19, 1797.

As directed by royal order, Campomanes reports on Antúnez's request regarding the reprinting of the *Memorias Históricas*. He is of the opinion that the book is well organized, is based upon the best authorities, and gives a useful knowledge of the progress of Spanish commerce with the American colonies since the time of Columbus. He believes, however, that it should be retouched before republication, for it shows a certain attachment for the old system of fleets and galleons and an excessive conciseness in relating the reforms of Charles III. and the present king. When these alterations have been made and the work has been examined in the council of the Indies in conformity with the pertinent laws in the *Recopilación de Indias*, the request should be granted. The council should also take care that the same procedure is followed hereafter in similar cases. In the appendix of documents he notes that some essential ones are lacking, and suggests that an expert be commissioned to prepare a collection of orders and decrees relating to the commerce of the Indies and that of the Philippine Islands from the beginning of the eighteenth century to the present.

THE EAST FLORIDA PAPERS IN THE LIBRARY OF CONGRESS

This name is applied to the collection of original manuscripts which contain the official correspondence of the government of East Florida from the time of the Spanish recovery of that region in 1784 to its acquisition by the United States in 1821.

The archives are now in the Division of Manuscripts of the Library of Congress at Washington, having been acquired in 1905 from the office of the United States surveyor general in Tallahassee, Florida, with permission of the Department of the Interior. The papers consist of approximately 65,000 documents arranged in 833 boxes, each box being labeled according to the nature of the correspondence. The documents are thus classified into 96 subdivisions, some of the more important being the following:

1. Letters from the captain general (at Havana) to the governor of Florida, 1784-1821.
2. Letters to the captain general from the governor, 1784-1821.
3. Letters from Gov. Montiano to the captain general, 1737-1741 (copies).
4. Correspondence of the Governor with the Department of the Indies, Departments of State, War, and Grace and Justice, and with the Exchequer.
5. Correspondence with Ministers and Consuls (in the United States).
6. Louisiana, Pensacola, Appalache, and Indians.
7. House of Panton, Leslie & Co.
8. Selected Papers.

Going through these documents which treat of the administration of government in all its branches, one gets an excellent picture of conditions in Florida during those thirty-seven years, for all sorts of matters entered into the correspondence. The first governor, for instance, Manuel Vicente de Zespedes, describes at length the difficulties encountered while going from Havana to his post in St. Augustine.¹ One of the first matters brought to his attention, after he took charge of the government, was that of relations with the Indians, a letter from Arturo O'Neill, governor of Pensacola, dated July 17, 1784,² telling him of the congress celebrated in that place

¹ Box 114-J9, Gov. of Fla. to Arturo O'Neyle (O'Neill), Gov. of Pensacola, July 13 and September 12, 1784.

² Box 114-J9, "Louisiana, Pensacola, Appalache and Indians".

the last of May and first of June with the Creek Nations.³ The same letter states that the *mestizo*, Alexander McGillivray, had been appointed commissary among the several Indian tribes, and in coöperation with Wm. Panton, Leslie and MacClatchy, would furnish the Indians with necessary supplies. Numerous documents in the subdivision entitled "Louisiana, Pensacola, Appalache and Indians", of which there are five boxes, reveal the important part that this keen *mestizo* played as a medium for the Spanish authorities in keeping the Indians in check and in preventing them from coming under the influence of the United States.

In addition to the matter of relations with the Indians, the documents throw light upon various other subjects of interest to the student of American history, such as revolutions in East Florida, intrigues of Napoleon in Spanish America, fugitive slaves, etc.

Among the more important subdivisions of correspondence mentioned at the beginning of this article is that of *Selected Papers*, 1784-1821. While most of these documents have to do with land grants, a great many of them bear upon the subject of slaves that had fled from the United States into Florida. Arranged in chronological order, the documents give quite a complete story of the difficulties, the opinions, actions, and decisions upon this harassing question. Governor Zespedes writing to the captain-general, October 13, 1784, asking for advice regarding the question of restoring slaves that had fled from their owners and taken refuge in Florida, states that until he has definite advice, he will base his action regarding their restoration upon the royal cédula of October 4, 1733, whereby fugitive slaves were not to be restored or paid for. In a letter dated May 14, 1787, to Marques de Sonora, minister of the Indies, the governor cites a royal cédula of November 11, 1740, which granted liberty to every fugitive slave, and asks for royal opinion to govern him in the matter. October 2, 1788, still finds him without any royal determination upon the subject, and in a letter addressed on this date to the minister of the Indies, he forwards a petition from a resident of Georgia some of whose slaves have deserted and come into Florida, where they have been declared free. The petition explains the evil consequences likely to follow such a precedent, and the governor says he is anxiously

³ A copy of the treaty of alliance and commerce agreed upon at this conference is enclosed with Capt. Gen. to Gov. of Fla., October 5, 1792., *Selected Papers*, Box 410.

awaiting and hoping for a royal determination of his Majesty. A royal cédula of September 2, 1788, prescribes that all slaves (*Ingleses y Olandeses*) who, under a religious pretext, take refuge in the dominions of his Majesty shall be considered free, but the governor writes to the captain general on February 4, 1789, that "none of the negroes that have taken refuge in this Province from the United States have done it with the motive of embracing our religion". Finally on the 22nd of November, 1789, there comes a royal cédula dated April 14 of the same year, "Para que no se restituyan los Negros fugitivos de las Colonias extrangeras que por los Medios que se expresan adquiriesen su libertad acogiéndose á los Dominios de V.M. en Indias".

The next document on the subject is from Antonio Porlier, minister of Grace and Justice, to the governor of Florida, dated May 17, 1790, stating that the king has decided that henceforth liberty of fugitive slaves shall cease.⁴ Consequent upon this royal order, a commissioner was sent by the United States to confer with the governor on the matter, and an arrangement for the mutual restoration of slaves, subject to royal approval, was entered into by the governments. It was several years before a treaty was finally concluded and put into execution, the delay being caused by reasons expressed in a letter from the governor to El Principe de la Paz, May, 28, 1797. Filed with this letter is a copy of the original treaty dated May 19, 1797—"Tratado definitivo sobre la devolucion de Esclavos profugos", signed by Enrique White on the part of his Catholic Majesty and J[ame]s Seagrove, commissioner of the United States.

It may be of interest to the reader to know just how these manuscripts came to be left in Florida by the Spanish authorities.

As the time approached for the transfer of flags, two matters still remained unsettled—that of the artillery, whether it should be considered as embraced in the word fortifications (there being a stipulation in the treaty calling for the transfer of the latter to the United States), and the matter of the disposition of the archives. An agreement was reached between the governor and the United States commissioner whereby these questions were to be left to their respective governments for adjustment after the transfer. In the ensuing correspondence on the subject, the Spanish minister, Francisco Dionisio Vives, wrote from Camden, N. J., to Governor Coppinger, August 19,

⁴"Selected Papers", Gov. to Capt. Gen., September 1, 1790.

1821,⁵ saying that he had addressed a note to this government regarding the fortifications and archives. "By the answer which I received," said he, "I have seen that it [the government] insists upon the artillery being considered as comprehended in the word fortifications [*la palabra fortificaciones*] and that the documents in question ought to remain in order that the interested parties may be able in all time to verify the legitimacy of the concessions. Although I shall protest against both pretensions, it is more than probable that the federal government will insist upon them and consequently they will be the object of discussion with our government to which, in fulfillment of my duty, I have just given an account and shall do so of the final result."

In his reply, September 12,⁶ Coppinger expresses sentiments adverse to those of the United States Government regarding the subject of artillery and fortifications but adds that on the contrary, with reference to the disposition of the public archives he is in doubt, as it is of no particular interest to the Spanish nation, but is of very great interest to the inhabitants of the province, since it is a guarantee of their property rights.

"To and from Ministers & Consuls." Box 107-C9.

* The following is the pertinent portion of his reply: ". . . por el contrario, respecto á este archivo solo opiniones y dudas han obscurecido mi juicio . . . El archivo publico no es de un interes particular á la nacion Española, pero si de uno muy grande para los habitantes de esta Provincia, pues en resumen es un deposito por el que se garantizan sus derechos y propiedades; perseverando aqui las de mas importancia como son los bienes raíces y la mayor parte de las personas interesadas en ellos parece seria una cosa dura obligarles a recurrir á la Habana (donde deberia ir el archivo) para acreditar en los presentes casos que les ocurran los titulos justificativos de sus bienes; asi es que por esta razon y por la de no esponer á los peligros de la mar los interesantes papeles qe. contiene qe. por un naufragio ú otro desgraciado accidente podria reducir en un momento á la miseria y desesperacion varias familias me he inclinado siempre á que era de equidad dejar este archivo en la Provincia. Sentado estos principios solo resta conciliar el interes del propietario del archivo que es el escribano, con el que tiene el gobierno americano y los habitantes de la Provincia en que quede en ella; cosa muy facil si se acuerda que bien sea dho gobierno, ó bien cualquiera de los particulares qe. merezca su confiansa compre por el precio que se considere justo dho archivo del actual propietario respecto á que este lo hubo de igual modo; con cuya providencia ni seria atacada la propiedad particular, ni la gral de todos los habitantes de la Provincia, ni el interes que debe tomarse el Gobierno americano en proteger á sus subditos. . . ." "To and from Ministers and Consuls"; Box 107-C9.

A few weeks after this letter was written, a commission, appointed for the purpose by the acting governor, made an examination of all the papers and selected those to be retained by the United States Government, making an inventory of the same (English and Spanish). In the register⁷ containing the inventory is a copy of the instructions to the commissioners from the acting governor of East Florida whereby they are authorized to examine the papers and separate those "which clearly relate to and may serve to elucidate the rights of individuals or of the late government of Spain". They were instructed to make an inventory of these and one also of "all other papers which are to be deposited in separate boxes and so marked".

The second register is marked *Documents returned*⁸ and contains an inventory (English and Spanish) "of the documents they have returned to the Ex-Spanish Authorities, agreeably to their instructions". Both inventories are dated November 5, 1821.

In this same file of documents are two other inventories bearing date February 20, 1824: one an "*Inventory of the Documents intended to be delivered to the Spanish Government but kept in the Public Archives*,"⁹ made by William Reynolds and Antonio Alvarez by Virtue of their Commission from John Quincy Adams, Esqr., Secretary of State of the United States, dated Washington, 5th April 1823"; the other an "*Inventory of Selected Documents*"¹⁰ relative to the Property and Sovereignty of the Floridas which have been detained out of the Spanish Archives by William Reynolds & Antonio Alvarez" by virtue of the same commission. From this it is evident that the documents boxed up "to be returned to the Spanish authorities in November, 1821, remained in St. Augustine for more than two years, in fact, until February 20, 1824, when the said two commissioners made some changes in the two groups, replacing in their original files some of the documents listed among "those to be retained" by the United States.

Attached, apparently some years later, to the inventory of *Selected Documents* is a note saying: "The U. S. Marshal, having on the 10th of Feb. 1829 transfer[r]ed to this office 225 Bundles of Spanish Documents (see Inventory No. 10 in this Bundle, No. 488) the Keeper

⁷ E. Fla. Papers, Box 488, Doc. No. 2. *Register of Documents retained.*

⁸ E. Fla. Papers, L. C. Box 488, Doc. No. 3.

⁹ E. Fla. Papers, L. C. Box 488, Doc. No. 10.

¹⁰ *Ibid.*, Docs. No. 8 and No. 9.

of the Public Archives, in order to facilitate public business as far as possible, has made a General Inventory by which operation the No[s] of the Bundles & documents has [have] been changed in order to clas[s]ify & arrange them in a proper manner." Now referring to *Inventory No. 10* alluded to in the above note, it is found to be that of the "Documents intended to be delivered to the Spanish Government but kept in the Public Archives", made by Wm. Reynolds and Antonio Alvarez in 1824. The inventory covers 63,876 documents, and these together with the "Selected Papers" of which there are about 400, constitute the "East Florida Papers".

MABEL M. MANNING.

Library of Congress.

NOTES

The Academia de la Historia de Cuba has published the following works in 1930 (all issued through the Imprenta "El Siglo XX", of Havana):

García Valdes, Pedro: *La Civilización Taina en Pinar del Río*. Pp. 83.

Iraizoz y de Villars, Antonio: *La Misión diplomática de Enrique Piñeyro*. Pp. 28.

Juárez Cano, Jorge: *Hombres del 51*. Pp. 123.

Martínez-Moles, Manuel: *Periodismo y Periódicos espirituanos*. Pp. 91.

Dauber & Pine Bookshops, Inc., New York, has just brought out an interesting volume by Thomas Falconer, namely, *Letters and Notes on the Santa Fe Expedition, 1841-1842*. The introduction and annotations of this journal are by Dr. F. W. Hodge of the Museum of the American Indian, Heye Foundation. This volume will be noticed at greater length in a future issue of this REVIEW.

Rev. Paul J. Foik, C.S.C., Ph.D., chairman of the Texas Knights of Columbus Historical Commission is the author of a brochure on *The Martyrs of the Southwest*. This is a reprint from the *Illinois Catholic Historical Review* (now *Mid America*), for July, 1928. It is one of the preliminary studies of the Texas Catholic Historical Society and was distributed under the auspices of the Texas Knights of Columbus Historical Commission. The foreword of this study states that "these preliminary studies will appear at irregular intervals", and are to be the forerunners of a complete history of the

Catholic church in Texas. It is proposed to publish that history in six volumes at the time of the celebration of the centenary of the independence of Texas in 1936.

The *Memoria del Ministerio de Relaciones Exteriores correspondiente al año 1928* (Santiago de Chile, Imprenta Chile, 1929) is a bulky volume of 965 pages. Among other things it contains a report on "Asuntos Panamericanos", which will be found of interest.

Memoria presentada al Congreso Nacional por el Secretario de Estado en el Despacho de Instrucción Pública Dr. Carlos Dávila, 1928-1929 (Tegucigalpa, Tipografía Nacional, 1930), of 160 pages, gives many statistics of importance.

Sr. Hermino Portell Vilá, instructor in the history of Cuba, in the University of Havana is the author of a two-volume work entitled *Narciso López y su época*, which is based largely on manuscript material, much of which has been previously unknown. The work, which is well documented, annotated, and illustrated, will be reviewed in a later issue of this REVIEW.

The Writings on American History, 1925, compiled by Miss Grace Gardner Griffin, forms a one-volume supplement to the *Report of the American Historical Association for the Year 1925* (Washington, Government Printing Office, 1929). It has been compiled with the usual care exercised by Miss Griffin, Pp. 212-226 list titles on "Latin America" (nos. 3272-3463).

Through the "Talleres Gráficos de la Secretaría de Agricultura y Fomento, of Mexico has just been published the report of the preliminary meeting of the Instituto Panamericano de Geografía e Historia, which was held in September, 1929. The report covers 160 pages and has six plates. The report contains historical data, the program of the preliminary meeting, list of the delegates from the various countries, a list of the societies and institutions which appointed representatives, a list of the delegates appointed by the governments of the states of the Mexican republic, minutes of the sessions, annual quotas of the 21 American countries for the support of the Instituto (project), and the reports, letters, addresses, reso-

lutions, constitution, etc. Among the papers are the following: "The Pan American Institute of Geography and History", by G. B. Winton; and "El Instituto Panamericano de Geografía e Historia", by Salvador Massip, of Cuba, president of the Institute. The first is taken from the January (1930) number of *The Pan-American Magazine* and the second from the *Boletín de la Union Panamericana* for April, 1930. The next meeting of the Instituto will be held in Rio de Janeiro in 1932.

Students of Brazilian history will find useful the treatise by the late Dr. Manoel de Oliveira Lima entitled *O Descobrimento do Brasil: suas primeiras explorações e negociações diplomaticas a que deu origem*. This treatise, written some years before the death of its author was accorded a prize for the highest excellence in a competition.

The Instituto Hispano-Cubano de Historia de América (Seville) has published volume VII. of "Colección de Documentos inéditos para la Historia de Hispano-América", under the title *Catálogo de los Fondos Cubanos del Archivo General de Indias*. The documents cited consist of "Consultas y decretos 1664-1783". The volume should prove very useful to students.

The Brookings Institute, Washington, has issued (1930) a survey of Porto Rico under the title *Porto Rico and its Problems*. This valuable volume, which was compiled under the direction of Dr. Victor S. Clark, will be discussed more fully in an early issue.

The Friendship Press of New York has published (1930) a volume by Dr. Samuel Guy Inman entitled *Trailing the Conquistadores* (pp. 236). In its eight chapters, one will find a great deal of information. Apparently the material formed part of a lecture course given by the author. This will receive fuller mention in another issue of this REVIEW.

Dr. Alfredo Jahn is the author of a pamphlet of 23 pages entitled *Aspecto físico y orígenes étnicos de Venezuela*. This was a paper read in the Municipal Casino of the Ibero-American exposition in Seville on October 27, 1929, during "Venezuela week".

The Compañía General de Tabacos de Filipinas at Barcelona has recently published (1929) the fifth volume of its *Catálogo de los documentos relativos a las Islas Filipinas existentes en el Archivo de Indias de Sevilla*. This instalment, edited by Francisco Navas (because of the death of Pedro Torres Lanzas) lists documents between the years 1602-1608. As in other volumes the catalogue is preceded by a corresponding instalment of the "Historia general de Filipinas", by Pablo Pastells, S.J. This will be reviewed in a later issue of this REVIEW.

The Macmillan Company has issued four more of the handy little volumes of its "Hispanic Series". These are as follows:

1. *Gil Blas de Santillana*, "adapted from Padre Isla's version of Lesage's celebrated novel and edited with notes, direct-method exercises and vocabulary", by J. P. Wickersham Crawford, professor of Romance languages in the University of Pennsylvania (1929). The editor in this volume (197 pages, priced at \$1.25) has "attempted to provide interesting reading material for students who have spent a month or two in the study of the commonest rules and forms of Spanish grammar". In revising this Spanish version of the celebrated picaresque novel, he has excluded difficulties in vocabulary. Grammatical points are explained and illustrated in a grammar appendix—an excellent plan for the young student. The exercises for each chapter supply the real working battery of the volume. The revision has been very successfully done.

2. *Easy Modern Spanish Lyrics*. Selected and edited by M. A. Devitis, associate professor of modern languages in the University of Pittsburgh, and Dorothy Torreyson, instructor in modern languages in the same institution (1930). This volume (78 pages, priced at eighty cents) is an effort "to introduce pupils to poetry rather than to poets". It is not an anthology but a "collection of simple attractive poems". Over fifty selections in all, representing 29 poets, have been given. The text aids have been carefully worked out.

3. *Camino Adelante*, a prose comedy in two acts by Manuel Linaus Rivas. Edited, with introduction, notes, and vocabulary, by Nils Flatin, professor of Romance languages, St. Olaf College, and Arturo Torres-Rioseco, associate professor of Latin American literature, University of California (1930). This volume (130 pages, priced at \$1.25) is "intended for the use of second-year classes in

college, perhaps to best advantage in the second semester and in third-year high-school classes". This is a modern play and the language is quite up-to-date.

4. *El Sombrero de tres Picos*, "adopted from the story by Pedro Antonio de Alarcón and edited with notes, direct-method exercises and vocabulary", by J. P. Wickersham Crawford (1930). This volume (181 pages, priced at \$1.10) is adapted "for use as a reading text in second year college classes and at a corresponding level in high schools". Alarcón is one of the most Spanish of Spanish authors and all his stories have the true Spanish flavor. In revising the original text, the substitution of all subjunctives by other forms might perhaps be questioned. The editor of this text is also the general editor of the series of which it forms a part.

Maggs Brothers, in their Catalogue No. 532 (January, 1930), *Voyages and Travels in America, Asia, Africa and Australasia*, list many books of interest to students of Hispanic American history. The same concern has also issued part II. of its *Bibliotheca Nautica* (No. 534), which also lists Hispanic American titles.

Henry Stevens, Son and Stiles of London, has issued its catalogue, No. 4 (new series), namely, *Catalogue of books relating to America* (1930, 96 pp.).

The *Boletín de la Academia Nacional de la Historia* (Caracas, Venezuela), which is edited by Dr. Vicente Dávila, Monseñor Nicolás E. Navarro, and Don Luis Correa, has material as follows in various issues: April-June, 1929—"Informe de la Academia Nacional de la Historia"; "Una importante disquisición histórica"; "El maestro del Libertador", by Dr. Eduardo Posada; "Antonio Leleux", by Marcil Le Roy; "Juan Manuel Cagigal", by Luis Correa; "La federación de los Andes", by Victor Andrés Belaúnde; "Padrón de varias casas formado en Caracas en 1806"; "Archivo del General Miranda" (continued); "Viage a la parte oriental de Tierra Firme", by Francisco Depons (continued); "Partida bautismal del Dr. Alvarado"; "El D. Luis Felipe Borja". July-September, "Inauguación del busto del Coronel Girardot"; "El mito de Don Bartolomé y algo más", by Monseñor Nicolás E. Navarro; "De Girardot, no de Coll y Prat", by *ibid.*; "La muerte de Johnkeervan Stieers", by C.

Parra Pérez; "Padrón de varias casas formado en 1806" (concluded); "Martí en la prensa", by Dr. Federico Henríquez y Carvajal; "Miranda y los orígenes de la independencia americana", by Ricardo R. Caillet-Bois; "Documentos relativos a la historia colonial de Venezuela" (continued); "Representación de Francisco Depons al ministro de la marina y de las colonias de la república francesa sobre la cesión de la isla de Trinidad"; "Archivo del General Miranda" (continued); "Viage a la parte oriental de Tierra Firme", by Francisco Depons" (continued). October-December—"General José María Córdoba"; "Páginas sobre Bolívar", by Monseñor Nicolás E. Navarro; "El mito de Don Bartolomé y algo más", by *ibid.*; "La logia lautarina", by Benjamin Oviedo Martínez; "El guerrero apasionado", by T. R. Ybarra; "Archivo del General Miranda" (continued); "Viage a la parte oriental de Tierra Firme", by Francisco Depons (continued); "Una carta inédita de Don Andrés Bello"; "Estatua de Don Andrés Bello en Caracas"; "Busto del Coronel Girardot". January-March, 1930—"Recepción del Dr. Mario Briceño Iragorri"; "El desconocimiento de Bolívar en 1814", by Vicente Lecuna; "Carta del Gral. José Félix Ribas"; "Proyecto inglés contra Tierra Firme", by Dr. C. Parra Pérez; "Anales eclesiásticos venezolanos", by Fray Pedro Leturia; "Heráldica Mirandista", by Monseñor Nicolás E. Navarro; "Carta del maestro Acevedo al General Páez"; "Bolívar", by R. González Arrili; "Archivo del General Miranda" (continued); "Viage a la parte oriental de Tierra Firme", by Francisco Depons (continued); "Documentos relativos a la historia colonial de Venezuela" (continued). This last number has also the translation into Spanish of William Spence Robertson's *Life of Miranda* which was published in 1929 by the University of North Carolina Press. Each number of the *Boletín* has a bibliographical section of importance.

The *Boletín de la Biblioteca Nacional*, of Caracas, Venezuela, which is directed by José E. Machado, has the following articles in various recent issues: October, 1928 (No. 21)—"La obra del Obispo Martí"; "Apostillas bibliográficas"; "Lingüística americana"; "Bonifacio María del Olea"; "El Profesor de Antropología del Museo de la Plata"; "La oración dominical en lenguas venezolanas". January, 1929 (No. 22)—"Iconografía de Sor Juana Inés de la Cruz", by Rafael Heliodoro Valle; "Cosas nuevas del tiempo viejo", by

Rafael Domínguez; "Escarceos bibliográficos", by José E. Machado; "Conocimientos esenciales del idioma Castellano", by Alejandro Fuenmayor; "La Historia inexplicable"; "Los periódicos mas pequeños de Venezuela", by Alberto Aranguren. March, 1929 (No. 23)—"Hernán Cortes en el 'Libro de los Elogios'", by Rafael Heliodoro Valle; "Escarceos bibliográficos", by José E. Machado; "Cartas entre el Libertador y el arzobispo Coll y Prat"; "Índice alfabético de la obra 'Biografías de hombres notables de Hispano-América'"; "Una carta y un obsequio del Libertador"; "Espinelas de la época de los Monagas"; El archivo de Miranda", September, 1929 (No. 25)—"Diario de Bucaramanga—Índice"; "Meseniana", by Juan Vicente González"; "La independencia de Venezuela y el arzobispo Coll y Prat", by José E. Machado; "Folk-Lore Venezolano—La poesía de la llanura"; "Ex-libris escolares"; "Vocabulario", by Arístides Rojas.

Cultura Venezolana (Caracas) in its October (1929) issue (No. 98), has the following of interest: "Mocedades de Simón Bolívar", by J. M. Cova Maza; "Los fulgores del incendio", by Luis Urbaneja Achepohl; "La lección de 1914", by Guglielmo Ferrero"; "El régimen económico del imperio incaico", by Juan Francisco Prudencio; "El cántico del sol", by Edoardo Crema; "El primer clásico americano", by Fernando Paz Castillo; "El paludismo en el estado Bolívar", by Elías Banarroch; "Caballos Salvajes", by Ramón Páez; "El valor ético de la soledad y el poblador americano", by Edmundo Wernicke; "Los filibusteros del lago"; "El deber de la nueva generación colombiana"; "Esclavas blancas en el coloniaje". November-December, 1929 (No. 99): Bolívar y Canning", by Simón Bolívar; "Predios dialécticos", by Gabriel Espinosa; "Algunas notas sobre el lago de Tacarigua cerca de Valencia", by Adolfo Lutz; "Los orígenes de la danza, la canción y la música popular argentina", by José Torre Revello; "Del libro 'Cantos de Giacomo Leopardi'", by Antonio Gómez Restrepo; "Panegírico al Dr. Don José Manuel de los Ríos", by Diego Carbonell; "Las lluvias en Venezuela", by Ernesto Sifontes; "El descubrimiento de América y el descubrimiento de Europa", by Germán Archiniegas; "La teoría de la relatividad", by Henry Bedinger Mitchell; "Rousseau y el Libertador", by Augusto Mijares; "Andrés Bello en Chile", by M. Silva Vildósola; "Sobre el Cumanés José A. Ramos Sucre", by Pedro Sotillo; "Agoniza nuestra

colonización?", by Joseph Caillaux; "El problema nacional de colonización". January, 1930 (No. 100): "Bolívar, el congreso de Panamá y la solidaridad americana", by Fabio Lozano y Lozano; "Retrato de Bolívar", by Alberto Hidalgo; "El problema de las relaciones entre las Américas", by Waldo Franck; "Elogio del conquistador español", by Mario Briceño Iragony; *idem*, by Luis Alberto Sucre; "Desconocimiento de Bolívar—1814", by Vicente Lecuna; "La colonización en Venezuela", by Alberto Adriani; "La salud del campesino puertorriqueño, by A. Fernos Isern; "Andrés Bello y Bolívar", by Simón Bolívar; "Los filibusteros del lago"; "Conciencia del nuevo mundo"; "El mito y la cultura en América".

Humanidades, which is issued by the Faculty of Humanities and Science of Education, at the National University of La Plata, Argentina, under the direction of Professor Ricardo Levene, contains the following materials in the last several issues. In Volume XVIII. (1929); "Escepticismo y contradicción en Quevedo", by Américo Castro; "De lo noble en la vida y en el arte", by José María Salaverría; "Lingüística e historia", by Amado Alonso; "Fray Luis de León", by Arturo Marasso; "Apuntes de estilística latina", by Juan Chiabra; "Algunas palabras sobre las ideas estéticas de Tolstoy", by Carmelo M. Bonet; "Comentarios a dos sonetos de Góngora", by Juan Mille y Giménez; "Notas sobre Literatura Inglesa", by Pedro Henríquez Ureña; "El resurgimiento moderno del sentimiento de la belleza", by Mariano Antonio Barranechea; "La enseñanza de la gramática", by Arturo Costa Álvarez; "Examen de conciencia: Problemas estéticos de la nueva generación española", by Guillermo de Torre; "El testimonio reflejo y escrito de la grandeza de Roma en la historiografía y literatura del siglo de oro", by Ángel Licitra; "Elogio del Genero Chico", by Felix Esteban Chechero; "La Poesía de Olegario Andrade y su época" (concluded), by Arturo Vasquez Cey. In Volume XIX. (1929; Philosophy and Education): "Sociología y filosofía", by C. Bouglé; "Notas sobre la escuela sociológica de Durkheim"; by Ricardo Levene; "La actividad automática y la actividad sintética", by Charles Blondel; "La reforma escolar en Europa", by Lorenzo Luzuriaga; "El viage del espíritu", by Mariano Ibérico; "Nota sobre el concepto de realidad", by Alfredo Franceschi; "Lugar de la ciencia de la historia del pensamiento", by Al-

berto Palcos; "La humanización del proletariado por la enseñanza técnica profesional", by Enrique Mouchet; "La didáctica de la enseñanza media", by Alberto J. Rodríguez; "Índice de problemas", by Francisco Romero; "Sobre la investigación del derecho", by W. Jakob; "Epicuro: su teoría de placer", by J. Rodríguez Comella; "Principios sociológicos", by J. Pichon Reviere. In Volume XX. (1930; Historia): "Las intrigas realistas bajo el directorio. El complot brottier", by Albert Mathiez; "Josefina en Malmaison", by Louis Madelin; "Nuevas noticias sobre don Manuel Josef de Ayala y sobre el llamado *Nuevo código de Indias*, by José María Capdequi; "La organización judicial en el imperio de los Incas", by Horacio Urteaga; "La política internacional de España al comenzar el primer gobierno de Rosas", by Emilio Ravignani; "La superchería en la historia del descubrimiento de América", by Rómulo D. Carbia; "El XXIII congreso de Americanistas y los relaciones e influencias precolombianas intercontinentales", by Fernando Márquez Miranda; "Albert Mathiez y la historiografía de la revolución francesa", by José A. Oria; "El poder municipal argentino. Teoría general y antecedentes históricos", by Adolfo Korn Villafañe; "Areniscas Rejas", by Juan José Nágera; "El idioma y la nacionalidad como factores del comercio", by Romualdo Ardissonne; "Un arma de Oceanía en el Neuquen. Reconstrucción y tipología del hacha del río Limay", by J. Imbelloni; "Nuevos datos para el estudio de la inquisición en el Río de la Plata (con apéndice documental)", by José Torre Revello; "La controversia del *Nootka Sound* y el Río de la Plata", by Ricardo R. Caillet-Bois; "Instalación de la 'Imprenta de la ciudad de Montevideo'", by Juan Canter; "Ocupación militar de Santa Fe en 1815, por el General Juan José Viamonte", by Antonio Salvadores; "Interpretación filosófica de un fenómeno histórico. La religión en la Argentina al finalizar el coloniaje", by Manuel Lizondo Borda; "Rosas en la historia de Santa Fe (hasta la muerte de Estanislao López)", by José Luis Busaniche; "Nuestros conocimientos en ciencias naturales durante la época colonial" (continued), by Anibal Cardoso; "La enseñanza de Amenemope", by Abraham Rosenvasser; "Naturaleza de la historia", by Luis Aznar; "Rectificaciones históricas", by José M. Gonzáles; "La Argentina de ayer y de hoy", by Ricardo Levene; "Confiscaciones y embargos durante el gobierno de Rosas. Noticia preliminar.", by Carlos Heras.

The Facultad de Humanidades y Ciencias de la Educación of the Universidad de la Plata is doing a bibliographical work of magnitude in its annual *Anuario Bibliográfico*. The third annual contribution has appeared (1929) in two volumes, the first comprising titles in "Letras e Historia" and the second titles in "Educación y Filosofía". In its historical section, this work takes the place in Argentina of Miss Griffin's *Writings in American History*.

In its April-June (1929) issue (No. 40), the *Boletín del Instituto de Investigaciones Históricas* has the following: Original articles—"Un catálogo impreso de libros para vender en las Indias Occidentales en el siglo XVII", by José Torre Revello; "Una crítica injusta al 'Diccionario de anónimos y seudónimos de Medina'", by Guillermo Feliú Cruz; "Apostillas bibliográficas", by M. Núñez de Arenas. Documental relations—"Las Carolinas" (continued), by P. Greni6n, S.J.; "Invitación de España a los emigrados hispanoamericanos en países extranjeros para radicarse en la Península (1827-1828)", by José Torre Revello; 'Extrait d'un journal de voyage fait en 1707, 1708, &c aux costes de Guinée en affrique et a Buenos Aires dans l'Amerique meridionale par le vaisseau du Roy: la Sphere avec la carte de la Riviere de la Plata', by León Baidaff; "Un resumen aproximado de los habitantes del virreinato del Perú en la segunda mitad del siglo XVI", by José Torre Revello; "Memoria sobre las Provincias de la Plata (1703-1710), por el Director de la Compañía francesa del Asiento", by León Baidaff. General or special Inventories—"Archivo General de la Nación, República Argentina" (continued). July-September, 1929: Original articles—"La política y los negocios durante el primer directorio", by Alberto Mathiez; "La biblioteca del virrey-arzobispo del nuevo reino de Granada Antonio Caballero y Gongora", by José Torre Revello. Documental relations—"Las Carolinas" (continued), by P. Greni6n, S.J.; "Una descripción en verso del Nuevo Mundo (siglo XVI)", by León Baidaff; "Mapa del viaje de Molina", by Ricardo R. Caillet-Bois. General or special inventories—"Índice documental parcial del Archivo de la Provincia de Corrientes", by Eduardo Fernández Olguín; "Archivo General de la Nación, República Argentina" (continued). October-December, 1929: Original articles—"Por la verdad y por la ética científica", by Emilio Ravignani; "Segunda advertencia salu-dable a un criticaastro de mala ley", by Guillermo Feliú Cruz; "Ale-

jandro Duelos Guyot, emisario napoleónico, algunos antecedentes biográficos sobre su actuación en el Río de la Plata", by Ricardo R. Caillet-Bois; "Los Archivos de la antigua Chuquisaca", by Rubén Vargas Ugarte, S.J.; "El derecho de asilo en Indias", by Tomás de Aquiso García y García. Documental relations—"El coronel don Bernabé de San Martín y el ataque a Santo Domingo (antecedentes biográficos)", by Ricardo R. Caillet-Bois; "Datos para la historia de la Imprenta de niños expósitos", by Juan Canter. General or special inventories—"Archivo General de la Nación, República Argentina" (continued). Each of these numbers continues the excellent biográficos)", by Ricardo R. Caillet-Bois; "Datos para la historia historians, and the invaluable "Inventario de documentos publicados".

Number XLVIII of the monograph series published by the *Instituto de Investigaciones Históricas* of the University of Buenos Aires (see HISPANIC AMERICAN HISTORICAL REVIEW, X. no. 1, pp. 108-110) is devoted to "La personalidad y la obra de Tomás Falkner", written by P. Guillermo Furlong Cardiff, S.J. Thomas Falkner was an English physician, native of Manchester, who with a commission from the Royal Society to study the medical properties of the waters and flora of the River Platte country, arrived at Buenos Aires in 1730 on one of the slaving ships of the South Sea Company. After a serious illness, he was converted to Roman Catholicism and joined the Society of Jesus, taking holy orders at Córdoba in 1739. The next twenty-eight years, until the expulsion of the Jesuits in 1767, he spent ministering to those sick in body or spirit, in what are now the interior provinces of the Argentine Republic. His *Description of Patagonia* was published in London in 1774. The book covered the central and northern regions, from Salta to Córdoba, as well as those to the south and west of Buenos Aires, and recorded the first scientific observations of that country and of the native tribes which inhabited it. For Patagonia it remained for a century the sole authority, and is highly valued by ethnologists today. Falkner seems to have been the author of several other works of a related character, the manuscripts of which have disappeared. He was a singular personality, one of the long line of Englishmen who since the sixteenth century have been associated as actors or as observers with the story of the Argentine nation. On pp. 105-109 is a list of manuscripts and printed books connected with the subject of the work. The last 16

folios consist of a facsimile in English of *The Patagonians*. Formed from the Relation of Father Falkener a Jesuit who had resided among them thirty-eight years, and from the different Voyagers who had met with this tall Race. This was first printed "by the friendship of George Allan, Esq., at his private press at Darlington" in 1788. Its author was Thomas Pennant. The reproduction was made from the copy belonging to the British Museum.

C. H. H.

From the same institution comes a reprint of the answer to the criticisms made against a recent work of José Toribio Medina, which appeared first in the *Boletín* of the Instituto. This is the *Advertencias saludables a un Criticastro de mala Ley*, by Guillermo Feliú Cruz (Buenos Aires, 1929, pp. 56). Its occasion was the *Errores y omisiones del Diccionario de Anónimos y Seudónimos de José Toribio Medina* by Ricardo Victorica. Sr. Feliú Cruz is "conservador" of the Sala Medina of the Biblioteca Nacional in Santiago de Chile. Medina's work in two volumes was also published by the Instituto.

Archivo del Folklore Cubano (Havana), edited by Fernando Ortiz among other matters publishes the following in various recent numbers: July-September, 1929 (Vol. IV., No. 3)—"El culto de los espíritus en Haiti", by Elsie C. Parsons; "El vocablo folklore", by Fernando Ortiz; "La medicina en el folklore cubano—Apuntes para un farmacopía empírica popular de Cuba", by Dr. Osvaldo Morales Patiño; "Matías Pérez, personaje folklórico", by Herminio Portell Vilá; "Las impresiones del niño cubano" (concluded), by Consuelo Miranda; "Cuentos recogidos en Camagüez", by Dolores Hernández Suárez; "Los gorriones", by Manuel Martínez-Moles. October-December, 1929 (Vol. IV., No. 4)—"El cocoricamo y otros conceptos teoplásmicos del folklore afrocubano", by Fernando Ortiz; "El aura blanca (leyenda cubana)", by Gertrudis Gómez de Avellaneda; "Cosumbres de Cuba en 1800", by J. M. Pérez y C. Martínez Fortún; "La falta de tierra en la sepultura", by J. M. de Cruz Beci; "Chilampín y Chilampines", by Herminio Portell Vilá; "El culto de los espíritus en Haiti" (continued), by Elsie C. Parsons; "Canciones populares en Cuba a mediados del siglo XIX", by Dolores María de Ximeno y Cruz; "Algunos gitanismos de un frecuente en Cuba", by Osvaldo Morales Patiño. January-March, 1930 (Vol. V., No. 1)—"Romances de Pasión", by Carolina Poncet y de Cárdenas; "La

virgen de Jiguiabo", by Fernando Ortiz; "Un poeta montevideano y el folklore de Cuba", by Juan Marinello; "Cosas de la Habana al mediar el siglo XIX", by Antonio de las Barras y Prado; "La palabra Gibara", by Herminio G. Leyva; "Cuentos recogidos en Camagüez", by Dolores Hernández Suárez.

The Ibero-amerikanisches Institut, of Hamburg, publishes a periodical called *Iberica*. In the issue for January-February, 1930, appear the following: "Die Deutsch-Iberischen Beziehungen einst und Jetzt", by R. Grossmann; "Lateinamerika als absatzgebiet", by Alfred Schneider; "Lateinamerika—Ein wirtschaftlicher Ausblick"; "Behandlung der Dokumente im Verkehr mit Lateinamerika"; "Handels- und Schiffahrtsdienst der 'Iberica'"; "Der Deutsch-Iberoamerikanische Kulturaustausch", by Iso Brante Schweide; March-April: "Cuzco, die Perle des Inkareiches und der Schmuck altspanischer Kolonialzeit", by R. N. Wegner; "Schlichtung der Grenzfragen zwischen der Dominikanischen Republik und Haiti", by Roberto Kük; "Verkaufswerbung in iberischen Ländern", by Miguel Laso Tortosa; "Die Erschliessung Perus durch das Automobil", by O. Greulich; "Das Kündigungsrecht in der neuesten sozialpolitischen Gesetzgebung Spaniens"; "Zur Lage in Lateinamerika"; "Handels- und Verkehrsnachrichten". Each number lists various titles of late publications on Hispanic America in Germany.

The Bulletin of Spanish Studies, a quarterly published at the University of Liverpool, England, in its issue for January, 1930, has a review by S. L. Millard Rosenberg of four productions by Miss Irene A. Wright. These are: *Spanish Documents concerning English Voyages to the Caribbean, 1527-1568* (London, 1929); *Bescheiden over de Verovering van de Zilvervlook door Piet Heyn* (Utrecht, 1928); *Santiago de Cuba and its District, 1607-1640* (Madrid, 1918); and *The early History of Cuba* (New York, 1916).

The Bulletin of the Pan American Union has the following in various numbers: October, 1929—"Some artistic tendencies in South America", by Frances R. Grant; "The new port of Asunción"; "Maté: an important Brazilian product", by C. R. Cameron; "The Guatemalan postal service", by José Tible Machado; "Agricultural education in Haiti". November, 1929—"Museums in South America",

by Laurence Vail Coleman. December, 1929—Fernando Bolívar and the University of Virginia", by Elizabeth Randolph Shirley; "An exploration of the Maya country", by A. V. Kidder; "Montivideo", by William Manger. January, 1930—"Final act of the Pan American commission on customs procedure and port formalities"; "Santo Domingo: an ideal winter resort for the American tourist", by F. E. Evans; "Inter American highways", by Pyke Johnson. February, 1930—"The Honduran-Guatemalan boundary conference"; "The larger significance of a Pan American highway", by L. S. Rowe; "Rio de Janeiro, the incomparable"; "Summer schools of Spanish and Portuguese. April—"The fortieth anniversary of the founding of the Pan American Union"; "Aeronautics in Latin America", by Brower V. York; "On Guatemalan streets and highways", by Hamilton M. Wright; "Two important additional congresses at the University of Havana", by Heloise Brainard; "The first congress of the inter-American commission of women", by Flora de Oliveira Lima. May, 1930—"Recent tendencies in Mexican criminal procedure", by Salvador Mendoza; "Reclamation projects of the government of Peru", by William Manger; "Cuban books and libraries. June, 1930—"Brief resumé of the life of General Sucre", by Sinón Bolívar; "Picture of Sucre", by Carlos R. Tobar; "The great marshal of Ayacucho", by E. Diez de Medina; "Sucre in Ecuador", by Homero Viteri Lafronte; "The greatness of Sucre", by A. Baquerizo Moreno; "Sucre", by Cristóbal L. Mendoza; "Bolívar and Sucre", by José Rafael Bustamante.

Chile, a monthly survey of Chilean Affairs, is published by the Chile Publishing Co. in New York City. In various recent issues, this periodical has published the following articles: April, 1929—"Attending an air meet in Chile", by E. E. Wurth; "Chile's position in Pan-American airways"; "Chile takes further steps to combat intemperance", by Jaime Danskin; "Latin-American financing in the United States", by Eugene W. Chevreux. May, 1929—"Chile also honors the humble born", by Juan Rodríguez; "The new territorial divisions of Chile", by William E. Rudolph; "Recent economic legislation in Chile". June, 1929—"The architecture of Santiago", by H. Errol Coffin; "The settlement of the Tacna-Arica question". July, 1929—"Valparaiso also is changing", by Rodolfo Vidal; "Diplomatic immunity and international law"; "The Christ of the Andes", by Natalie O. Jones. August, 1929—"Santiago's water supply", by

Januario Espinosa; "The United States and Chile", by Osgood Hardy. September, 1929—"The Chilean pavilion in Seville", by Carlos Mondes; "Chile modernizes her navy", by Luis N. Mareno; "Vast program of prison reform under way in Chile", by R. S. Salinas; "Women and foreigners to vote in Chilean municipal elections"; "The last chapter in the Tacna-Arica controversy". October, 1929—"Chile's unified police forces have done away with lawlessness", by Januario Espinosa; "Chile is proud of her boy scouts", by S. P. Robles. December, 1929—"Manual Rojas, vagabond, poet and realist", by Januario Espinosa; "Railways operated by the state in Chile are economically profitable". January, 1930—"Chile's great road-building program", by Carlos Concha Fernández; "Chilean historical works warmly praised by American scholars", by Paul Vanden Shaw. February, 1930—"La Moneda, seat of the government of Chile", by Jaime Danskin; "Santiago's school of social service", by Nancy Barton; "The charm of Chile", by James Freeman Jenness. March, 1930—"What the ministry for southern territories is doing", by A. R. Gonzales; "Mariano Latorre", by Januario Espinosa; "When the Monroe Doctrine was forgotten", by Osgood Hardy. April, 1930—"Pan-Americanism grows more cultural", by Luis Galdames. May, 1930—"The new summer home for the president of Chile"; "El Camino del Pacifico", by Ernest McGaffey; "Novelists and story-writers of Chile", by Domingo Melfi.

The *Louisiana Historical Quarterly*, which is published by the Louisiana Historical Society, is giving to the public two very important series of materials, namely: "Records of the superior council of Louisiana", by Heloise H. Cruzat; and "Index to the Spanish judicial records of Louisiana", by Laura L. Porteous. In various recent issues of the *Quarterly* have appeared the following: January, 1929—"Autobiography of Charles Gayarre, with an introduction by Henry P. Dart"; "Biographical sketch of Hon. Charles Gayarre", by a Louisianian; "Four letters from Charles Gayarre, 1878-1889"; "Civil procedure in Louisiana under the Spanish régime, as illustrated in Loppinot's case, 1774", by Henry P. Dart; "The documents in the Loppinot Case, 1774", translated by Laura L. Porteous; "Louisiana in 1724 (Banet's report)", translated by Heloise H. Cruzat. April, 1929—"How the Louisiana purchase was financed", by J. E. Winston and R. W. Colomb; "The Chevalier de Pradel", by George C. H.

Kernion; "West Florida—The capture of Baton Rouge by Galvez, September 21st, 1779", from reports of the English officers; "The vengeance of the Natchez", by Clem G. Hearsey; "Governor Unzaga decides that the family meeting has no place in Spanish probate procedure in Louisiana, 1771", translated by Laura L. Porteous. July, 1929—"The foreign language press of New Orleans", by John S. Kendall; "The system of redemption in the state of Louisiana", translated by Rev. Louis Voss. October, 1929—"A lawsuit in the court of the governor at New Orleans involving land in Opelousas, 1714", translated by Laura L. Porteous; "Baton Rouge, the historic capital of Louisiana", by J. H. St. Clair Favrot; "West Florida—Document covering a royal land grant on the Mississippi and Amite Rivers", translated from the originals in the Cabildo. April, 1930—"A duel in the dark in New Orleans, 1747, with introduction by Henry P. Dart", translated by Heloise H. Cruzat; "Early census tables of Louisiana", by William Beer; "Marine survey of schooner *Charlotte*", translated by Laura L. Porteous. The *Review* is edited by Mr. Henry P. Dart, who is a busy lawyer of New Orleans; and it is largely owing to his devotion to the history of Louisiana that the *Review* has been made possible.

Mid America (formerly *Illinois Catholic Historical Review*), in its issue for January, 1930, has the following: "Early explorers of the Southwest", by Paul J. Foik; "Mission San Juan Bautista", by May Stanislaus Corcoran. April: "Bandelier: Archaeologist of our southwest", by William Stetson Merrill; "Espinosa's Journal".

The *Proceedings of the American Antiquarian Society*, for the semi-annual meeting of the Society held in Boston, April 17, 1929 (Vol. 39) published a paper which was read at that meeting by James Alexander Robertson entitled "The Spanish Manuscripts of The Florida State Historical Society".

The Southwestern Political and Social Science Quarterly, of Austin, Texas, has an article by Watt Stewart in its March, 1930, issue, entitled "The ratification of the Thomson-Urrutia treaty".